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FOR

MURDER, TREASON, RAPE, SODOMY,
HIGHWAY ROBBERY, PYRACY,
HOUSE-BREAKING, PERJURY, FOR-
GERY, and other high Crimes and
Misdemeanors. From the Year 1700,
to the Year 1764 inclusive.

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And you shall do full well.*

V O L. III.

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Printed for E. and M. VINEY, in Ivy-Lane, near
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and Stationers in Town and Country.

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A. E. J. and J. J. J.

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VOL. III.

LONDON

Printed for J. and M. W. in the Strand, near
Trafalgar Square; and sold by all Booksellers
and Stationers in Town and Country.

THE
BLOODY REGISTER.

The Trial of BURNWORTH BLEWIT, &c.
for Murder.

BURNWORTH, BLEWIT, DICKENSON, BERRY, LEGEE, and HIGGS, were committed to Newgate for the murder of Thomas Ball in the Mint, Southwark.

On Wednesday, March 30, 1726, a *Habeas corpus* being brought for removing them to Kingston, they were all put into a waggon; handcuffed and fettered, to be carried down thither, under a guard of the Duke of Bolton's horse.

As they past along the road, they behaved in the most audacious manner imaginable; rattling their irons, laughing, singing, swearing and huzzaing.

About noon they came to Kingston, and were all put into the Stock-house. The judges arrived the same day, when the commission for holding the assizes was opened and read.

The next day a bill was found against the prisoners, and on the day following, being the 1st of April, they were brought to the Bar and

Ver. R.

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arraigned, five of them pleaded, Not Guilty; but Burnworth refusing to plead, till a watch, a hat, a wig, and other things, which were taken from him by the persons who apprehended him, were restored, his thumbs were tied, as usual in such cases; but he continuing obstinate, the Court passed sentence that he should be pressed to death, and being carried to the Block-house for that purpose, the Court proceeded to the trials of the others.

William Blewit, Emanuel Dickenson, Thomas Berry, John Legee, and John Higgs, together with Edward Burnworth, alias Frazier (not then in Court) were indicted for the murder of Thomas Ball; *Blewit and Burnworth*, by giving him with a leaden bullet, discharged from a pistol, one mortal wound, on the 24th of January last, of which he instantly died; and the others for aiding, abetting, comforting, and maintaining the said Blewit and Burnworth in committing the said murder.

William Marjoram, alias Haggady, deposed thus. On the 24th of January last, I and Burnworth, Legee and Higgs, met at an ale-house in Whitehorse alley in Chick-lane, from whence we went into the fields, where having four or five pistols about us, we discharged them several times, to try whether they were in order or not. Then we proceeded to Copenhagen-house, where we met with Dickenson, Blewit, Berry and one Wilson. They told us they had been shooting birds; we shook hands, and joined company. Burnworth went to casting bullets in a mould, at which he was very expert, and distributed what he made among them. Then we cleaned our pistols; of which we had eight or ten amongst us

us all. From Copenhagen-house we went to Blackmary's-hole, where we spent about seven shillings in Beer, Brandy, and Geneva, and then went towards Chick-lane again; but, being met in Turnmill-street by Captain Walker, keeper of New-prison (from whence Burnworth had made his escape) and, he calling to Burnworth in order to have some talk with him, they came to high words; but Burnworth clapping his hands to his pockets, as if he intended to draw his pistols, the captain left him. But a mob being gathered, and we understanding the High Constable had got some intelligence of us, we all made our way through White-horse alley, swearing we would shoot the first man that followed us. We proceeded thus to Black-Friars-stairs, where we took water, and being landed, went to the Gun music-house in St. George's fields, where we danced with three women till about five in the evening. Then we went into the fields; and it being quite dark, Burnworth proposed to go to Mr. Ball's house and kill him, and asked us if we would agree to it. We all consented except Higgs, who declared he would not go. The rest of us went, and when we came into Mr. Ball's house, his wife was sitting by the fire. We asked her where her husband was? she said, he was not at home; but he unfortunately came to the door at the same time. Burnworth presently took him by the collar, and forcibly brought him into the house, and set him in a chair by the fire-side. His wife, suspecting some mischief, was going forwards, and endeavoured to get into the street; but Legee, clapping a pistol to her breast, swore he would shoot her if she offered to stir. Then Burnworth said to Ball, *how could*

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you be such a rogue as to seek my life, by endeavouring to apprehend me last Saturday night?---But I'll prevent any such mischief for the future; and with that, he took a pistol out of his waistcoat pocket, and lifting up Ball's arm, he shot him near the left pap, of which wound he presently died. The noise drew a croud of people about the house, and several of them attempted to come in; but Berry, having a pistol in his hand, swore he'd shoot the first that entered. Then we all went out of the house, and, the croud still continuing, Blewit fired a pistol over their heads, which dispersed them. From thence we came to the Faulconstairs, where meeting with Higgs, he went with us to Pig-stairs. When we came to Fleet-street, the company parted; and Higgs and I went together.

Ann Ball, widow of the deceased. On the 24th of January last in the evening, as I was sitting by the fire-side, the prisoners and others came in two by two, to the number of seven or eight; Burnworth enquired for my husband; I said he was not within, but was hard by, and would call him, if they wanted him. I was afraid they had some villainous design, and therefore was going out to give my husband notice of what company there was in our house, that he might not come home; but some of them cried out, *stop the bitch*. Just at that instant my husband unhappily entered the door; upon which they violently dragged him into the house, forced him to sit down in a chair, drew down the sash of the window, and bolted the street door. My husband then said to Blewit, *I hope you design me no harm, for I never intended to do you any*. No, says Blewit, *and we'll take care that you never shall*. Upon which Burnworth stept
up

up to my husband, lifted up his arm, and clapt a pistol to his breast. I was extremely frightened, and ran out at the back-door; but, before I could get to a neighbour's house, I heard the pistol go off. Then the prisoner came to the street-door, discharged another pistol, and said, *now, follow me who dare.* And so they went away.

Richard Ball, the deceased's brother. I and my brother were drinking at the Standard ale-house, which is hard by his house; and, he being sent for home, I desired him not to stay. He said, he would only eat a pork steak for supper, and return immediately. But, finding he staid longer than ordinary, I grew impatient, and resolved to know the reason of it, and therefore (having an oak stick in my hand) I went to see after him. When I came to the house, looking over the settle that stands in the drinking-room, I saw Blewit and Burnworth there, and the house in confusion. Meeting with some insults from Blewit, I made an offer at him with my stick; upon which a pistol was discharged, but I can't say by whom.

A woman deposed, that she saw Higgs with a pistol in his hand, in and about Mr. Ball's house, at the time he was murdered, she being then present in the room. Upon which the Court asked Marjoram, if he saw this woman in the house? he replied, yes. The Court then asked him if he could swear that Higgs was not present when the murder was committed, as he had before said, he refused to go with them. Marjoram answered, he could not swear that.

Capt. *Walker*, keeper of New-prison. I met the prisoners in Turnmill-street, as Marjoram has sworn, and I designed to have followed them, in

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order to apprehend Blewit and Burnworth; but a gentleman telling me, that they threatned to shoot the first man that came after them, I declined going.

A Waterman deposed, that on the 24th of January he carried eight men in his boat, from Black-friars to Paris-garden; that several of the prisoners were of that company, for he remembered most of their faces.

A whore. I danced with the prisoner at the Gun-music-house. Legee enquired of me if Mr. Ball ever used that house? I told him, no; and then he pulled out a pistol, and said, *here's that as shall do his business.* And in half an hour afterwards I heard Mr. Ball was murdered.

Mrs. Jones. I keep Copenhagen-house. On the 24th of January last, the prisoners, and some others, met at my house, where they made bullets, and cleaned their pistols. I was uneasy at it, and wanted them to be gone, for I did not like their company: but they pretended they met there only to shoot birds.

Mr. Allen deposed, that the night Mr. Ball was murdered, he happened to be in a night-caller at Charing-cross, when Blewit, Burnworth, and Dickenson came in there, and heard Burnworth say to them, *han't I tipped it Tom Ball?*

The prisoner *Berry.* Here is a letter that I had from Marjoram. In this letter he owns he cannot swear, that I was any ways concerned in the murder.

Berry's mother and sister deposed, that Marjoram said the same thing to them.

Upon which the Court asked Marjoram what he had to say to that? He answered, my lord, I
own

own that Mrs. Berry gave me half a guinea not to swear that her son was in the room, and I promised, that I would not swear it: But I will swear and insist upon it, that he was in the entry, about the door, and very active. W. M. baddor

The other prisoners denied the fact, but offered nothing material in their defence, and the Jury found them all guilty. *Death.*

Edward Burnworth being put under the press, continued an hour and three minutes with a weight of three hundred, three quarters, and two pounds upon him, and then he prayed, that he might be brought to the bar again, which being granted he was arraigned, and pleaded, Not Guilty. The evidence against him was the same in effect as against his comrades. The Jury found him guilty, and he received sentence of death with the other prisoners.

The account given of these malefactors is as follows. Edward Burnworth, alias Frazier, was about twenty three years of age. His father, who was a painter, put him apprentice to a Buckle-maker in Grub-street; but neglecting his master's business, he spent a great deal of his time at cudgel-playing and wrestling at the ring in Moor-fields, which was kept by one Frazier. Ned, distinguishing himself at these exercises, acquired the name of young Frazier, which he was not a little proud of. From the ring, he frequently went to the music and gaming-houses, where he soon got acquainted with a gang of pick-pockets, house-breakers and street-robbers, of whom the chief were, Jack Allen, Peter Levee, Blewit, Dickenson, Berry, Legee, Higgs, Marjoram, Jack Wilson, Jack Barton, and Kit Leonard.

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In July, 1723, he was convicted of stealing two turkeys, and some table-linen, for which he was whipped.

In December, 1723, with Levee and Allen, he robbed Mr. Wasey in Lincoln's-inn-fields, and several other persons. Allen and Levee were taken, and the last made an evidence: Burnworth escaped, but was taken about a year afterwards, and was carried before a justice in Clerkenwell, who sent him to New-Prison. He made his escape from thence, and, to be revenged of the Justice, who committed him, he, with Jack Barton (the day before Mr. Ball was murdered) broke into the Justice's house, and stole goods of considerable value, which they carried into Islington-Fields, where they divided the booty, which at first they thought was much greater than it proved to be; for, on examining a parcel which they took to be plate, they found it was only brass silvered over. Burnworth would have thrown it away directly, but Barton would not agree to it, upon which they tossed up who should have it, and it falling to Burnworth, he threw it into the New-River. Soon after this, they met with Dickenson, Berry, Blewit, Higgs, Legee, Wilson and Marjoram.

Barton staid at Islington, and the others went over the water into St. George's-Fields, where Burnworth told them, that Tom Ball had lately attempted to take him, and had taken Kit Leonard not long before; and therefore, says he, let's go and shoot the dog, or we shall have him set up a new Thief-taker. What reason Ball had for taking Leonard, will appear in the following trial.

for Murder.

At Kingston affizes, in April, 1726, Christopher Leonard was indicted for assaulting Ann Ball, and putting her in danger of her life.

Ann Ball. The prisoner and Burnworth came into my house about five or six months ago, and asked for my husband; I told him, he was not at home. *Then you are, ye bitch,* says Leonard, and discharged a pistol in my face, and then added, *If the Son of a Bitch your husband should come in to take your part, I have got a pistol loaded with slugs to blow his brains out.* After this they went away, but as as they were going out, Burnworth said to the prisoner, *you are a foolish dog to revenge yourself on a woman.*

Prisoner. I own I discharged the pistol, but not with any design to kill or hurt her, for it was only charged with powder. I have been several times at her house since, and there was all the appearance of friendship between us that could be. She has often said, she looked upon it as a foolish maggot, and has offered to make it up for a valuable consideration.

He called some witnesses to prove what he said; and the jury acquitted him.

After Burnworth, assisted by the others, had murdered Ball, they all crossed the water, and went to the Boars-head Tavern in Smithfield, that being a house where none of them were known. They staid there till ten at night, and then went into Fleet-street, where they separated, and took different walks to pick pockets, and rob in the streets.

The noise the murder had occasioned, obliged them to keep close in the day-time; but a night did not pass in which the most outrageous villainies were not committed by some
or

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or other of them, especially by Burnworth. However, it was not long before five of the gang began to think of taking measures for their own security. Blewit, Berry, and Dickenson went to Harwich, and from thence passed in the packet-boat to Helvoetsluys.

Higgs shipt himself on board the Monmouth at Spithead, but was soon after taken: for his brother here in town having writ a letter to him, gave it to a sailor to carry with him to Spithead. He accidentally coming into company with one Arthur, a Watchman, belonging to St. Sepulcher's parish, who happening to see the letter, and knowing that Higgs was one of the gang, he went and acquainted Mr. De la Fay with it: Whereupon two Messengers were sent to Spithead, who brought Higgs up to London.

Wilson absconded, and could not be heard of.

But Burnworth, Legee, and Marjoram still ventured to continue about Town, and joining with Gillingham and other villains, committed a great number of robberies. They attacked the Earl of Harborough, as he was passing in his Chair along Piccadilly. The Chairmen drew their poles, and knocked one of the rogues down; Gillingham fired, and shot one of the Chairmen in the shoulder: but the Earl himself stepping out of his chair and drawing his sword, the rogues thought fit to retire.

A proclamation being published, and a large reward offered for apprehending Burnworth and his companions for the murder of Thomas Ball, a gentleman bought it, and going into an ale-house

house in Whitecross-street, he there read it publickly. Marjoram happened to be drinking there at the same time, though he was unknown to any of the company; and, not doubting but that the reward and hopes of a pardon would be a temptation for some of the gang to turn false brethren, and betray the rest, he thought it better to take such a course himself, than to let another do it. And, therefore, going the same evening to a Constable, he surrendered himself, and was that night confined in Woodstreet Compter.

The news of his surrendering was quickly spread over the town, and several of his old comrades forsook their lodgings to secure themselves elsewhere. But Burton thought of another method of providing for his own safety: for next morning he planted himself in an alley not far from Goldsmith's Hall, knowing that Marjoram must come that way to go before the Lord Mayor to be examined. Marjoram accordingly coming along with the Constable, and others to attend him, Barton stepped out with a pistol in his hand, and cryed, *D---n ye, I'll shoot ye*; and immediately fired; but Marjoram luckily popping down his head, the ball only just grazed upon his back, without doing any farther hurt. This audacious action of Barton's was so sudden, that before the people could recover from their surprize, he made his escape.

Marjoram being examined before the Lord Mayor, made a large information against his accomplices, but none of them were then to be found, except Legee, who was taken at a house in Whitecross-street.

None of those concerned in the murder of Ball were now at liberty in London, except Burnworth,

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Burnworth, who was too fool-hardy to abscond though he knew of the proclamation, and that 300 l. was offered for taking him.

Having heard that Quilt Arnold (Jonathan Wild's late foreman) had been in quest of him, he ventured one night to an alehouse in the Old Bailey, which Arnold frequented, and, understanding that he was then alone in a back room, he took a loaded pistol in his hand, and pushing open the door, *D---n ye, says he, what business have you with me? do you think to set up the trade of thief-taking upon your own account, now your old master is hanged? ye dog! It would be but tipping you justice to blow your brains out.* Then filling a glass with brandy, and putting some gunpowder into it: *Now, down of your knees, ye son of a bitch,* adds he, *drink this, and wish it may be your eternal damnation, if ever you offer to molest me, or any of my acquaintance.* Arnold was forced to comply, and then Burnworth knocked him down, and went off clear.

One morning after this, he went to an alehouse in Holbourn, where he was well known, and setting down at the door with a pistol in his hand, called for a pint of beer, drank it off, and then, daring any body to follow him, he walked away.

On the 28th of January in the night (four days after the murder of Mr. Ball) the house of Mr. John Beesly, a distiller in Clare-market, was broke open, and robbed of a silver taster, a silver ladel, and a silver cup, above forty four pound in money, and bills and notes for near 400 l. Among these was a promisory note from James Jones to Jacob Tonton; upon which Mr. Beesly sent notice to Mr. James Jones of what

what had happened, and desiring if such a note was brought to him, he would stop the bearer. One Benjamin Jones, who lived in Little Britain, not far from James Jones, was observed to live very irregularly, and sometimes to appear in two or three different suits in a day, without having any visible means of maintaining himself in such a manner: and further, that he came home drunk about seven o'clock that morning the burglary was committed. These, and some other concerning circumstances, being observed by James Jones, that gave him a suspicion of Benjamin Jones, he was thereupon apprehended, and a search being made, the ladle and cup were found in his necessary-house, and a piece of an iron bar in his chamber, the broken part of which bar was left in Mr. Beesly's cellar. Upon farther enquiry it was proved, that Benjamin Jones was drinking at a Coffee-house near Mr. Beesly's till midnight, which was not long before the burglary was committed, for Mr. Beesly's drawer was found in Lincolns-Inn-fields between two and three the next morning.

For this fact Jones was tried in March 1725-6, and the particulars, above-mentioned were sworn against him. In his defence he owned he came from that Coffee-house about twelve o'clock at night, but that being drunk, as he was crossing the way, he found the plate, and a piece of a bar; after which he picked up a black-moor whore in Drury-lane, went with her to a night-cellar, where he staid with her till about seven o'clock in the morning, and then came home to his wife.

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The Jury found him Guilty, and he received sentence of Death: after which, the Ordinary gave the following account relating to this fact.

--- As for the silver ladle and cup, found in the necessary-house, as a dying man he (Benjamin Jones) declared, that accidentally he found them in the street as he was coming home late at night: and that, when he was put into the condemned hold, meeting with Burnworth, alias Frazier, and giving him an account of the crime of which he was convicted, Frazier told him, that he was the person that committed that robbery, in breaking open Mr. Beesly's shop, and that as he was going towards Lincoln's-Inn-fields meeting the watchman he dropped the plate and the piece of iron which he had in his hand, for fear of being taken up, and, because of the darkness of the night, not well knowing whether it was silver or not, and being indifferent about it, since he had such plenty of money, and gold, and some other things in his pocket, which he had taken out of the shop. This Fraizer, as a dying man, not expecting to live many days, asserted to be the plain verety, and that he was sorry another should suffer for his crime. I asked Frazier, if this account was true? who said it was, and that he had written a full narrative thereof to persons of the highest quality. I entreated Jones, for God's sake, not to enter into eternity with a lie in his right hand, Isa. xliv. 20. I frequently exhorted him to make an ingenuous confession, since his dying with a lie in his mouth would be a double guilt, and might provoke God to cast him off for ever, &c. He said he would till death deny that fact of which he was altogether innocent and ignorant, and would never accuse himself falsely.

But if Jones had found the plate, why should he throw it into his necessary-house? and why should

Should Burnworth throw away the cup and ladle, which he might have put into his pocket, and yet carry the drawer, which was of no value, as far as Lincolns-Inn-fields? Jones was hanged for this on March 14. But to return to Burnworth.

Thomas Burnworth had murdered Ball, partly on account of his having apprehended Kit Leonard, yet Leonard, who was then in Surry gaol, contrived a scheme for taking Burnworth, which was managed in this manner.

Burnworth lodged with Leonard's wife and sister; Leonard lets his wife Kate into the secret, and orders her to acquaint some Justice of the peace with it. She did so. The design was approved of, and a sufficient force appointed to seize the criminal.

Accordingly, on Shrove-Tuesday in the evening, several men well armed were planted at an alehouse adjoining to the house where Kate lived. About six o'clock, Burnworth, Kate, and her sister being together, Kate proposed to fry some pancakes for supper, which Burnworth approved of, (it being too early for him to go out upon his villainies) and pulled off his great coat in which he had several pistols. There was a back-door which he usually kept upon the latch, in order to make his escape in case he should happen to be surprized; but Kate had taken care to bolt it unknown to him, and then, while her sister was frying the pancakes, she went to the alehouse for a pot of beer, and giving a signal to the men who waited there for that purpose, she returned, and pretended to lock the door, but designedly missed the staple. In a few minutes six men rushed into the room:

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Burnworth started up and ran to the back-door, but before he could open it they seized him. He was carried to Newgate, and put into the condemned hold, where he continue till Saturday night, the 15th of March, when he and the condemned prisoners who were confined in the same place, attempted, with an iron crow which they had procured, to break through the wall of the gaol, in which they made a considerable progress, but were discovered before they had finished the work.

As this was thought to be Burnworth's project, he was removed into another apartment, called the Bilbow-room, and loaded with more irons; but by some means or other he procured saws and files, with which he freed himself from his fetters, broke through the wall into the women's apartment; and went to work upon the iron bars of the window, and had cut one of them asunder, when the keeper having notice of it, came and stopt his progress, and carried him once more to the condemned Hold, where he was stapled down, and where we shall leave him, till we bring some of his acquaintance to bear him company.

William Blewit was born in Cripplegate parish, where his father was a porter, and his mother kept an herb-stall. Will was put apprentice by the parish to a perfumer of gloves, but being a loose idle fellow, and much addicted to gaming, he soon fell into ill company, and turned his hand to picking pockets. He was commonly well dressed, and made a genteel appearance, which often prevented his being suspected. But those who had seen him once, might easily know him again; for he was remarkable by one of his lips,

lips, which was something like a hare-lip, but not so much as to make him appear disagreeable.

In April, 1722, he was convicted of privately stealing a handkerchief from John Higgs, on the 4th of March, as he was going out of St. Andrew's Church, Holbourn, and was ordered to be transported. He was accordingly shipped off with many of the same profession. When they came out to sea, they contrived a plot for seizing upon the ship's crew; but Blewit being let into the secret, he was in hopes of obtaining his own liberty at the expence of his companions, and therefore discovered the design to the Captain, who thereupon took care to prevent the intended mischief, and set Blewit a shore at Nevis, as a reward for the service he had done. Blewit soon returned to his own country, and not long after his arrival was apprehended.

In January 1722-3, he was tried for returning from transportation. He did not deny the fact, but pleaded in excuse, that he had been very serviceable in the voyage; for being allowed his liberty on board, in order to take care of the other felons, and they having raised a mutiny, with design to murder the Captain, and the ship's crew, he had prevented the murder, and saved the cargo, by a timely discovery. To prove this he called Jonathan Forward, who deposed, that indeed the prisoner was appointed to have his liberty on board, in order to assist in the management of the other convicts; but as to his preventing the loss of the ship's crew and cargo, he knew not how true it was, the ship being not yet returned from Nevis. Blewit was found Guilty, and received sentence of Death. But his

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execution was respited till the return of the Captain, when the fact appearing as Blewit had alledged, he obtained mercy, on condition of transporting himself again. But instead of observing this condition, he returned to his old courses of picking pockets, and snatching hats, wigs, and swords in the street, and in a little time joined himself with Burnworth's gang.

After the murder of Mr. Ball, Blewit fled to Holland with Dickenson and Berry; but by the care and vigilance of Mr. Finch, the British Resident at the Hague, Blewit was apprehended at the Hamburgh arms at the Boom-keys in Rotterdam, and Dickenson and Berry on board a ship at the Brill.

Emanuel Dickenson was descended of reputable parents, but being of an ungovernable temper, they were unable to keep him within bounds, and unwilling to support him in his extravagances. He kept the vilest company he could meet with, and they soon brought him to thieving.

In September, 1722, he was tried for robbing Joseph Marsh of his hat and wig in the Strand, on the 20th of July. The prosecutor deposed, that the prisoner came behind him, threw him on his face, snatched off his hat and wig, and ran away; but, being pursued, he dropt them, and was taken; but there not being sufficient proof, he was acquitted. He afterwards robbed with Burnworth and his companions.

Thomas Berry was the son of very poor parents. His mother was a common beggar, and he was a thief from his childhood. He was frequently sent to Bridewell and New Prison for pilfering, and thrice to Newgate, from whence he was once transported; but returned before his
time

time was expired, and entered into a confederacy with Burnworth.

John Higgs was of mean parentage. He was bound apprentice to a watch movement-maker in Cripplegate parish. He had not been long in Burnworth's gang before the murder of Mr. Ball. It seemed that he followed the others to Ball's house with some reluctance.

John Legee was the son of French parents, he was put apprentice to a Cabinet-maker in Jewin-street, whom he served about six years, and then followed thieving about two years before he was concerned in the murder.

Blewit, Berry, and Dickenson were strongly fettered, and put on board the delightful sloop, Capt. Taylor, at the Brill. When they arrived at the Nore, they were met by two Messengers, who assisted in taking charge of them up the river. In their passage, they affected to be merry, singing, swearing, and recounting their old villainies. Meeting with a press-gang upon the river, they abused the lieutenant, and dared him to press them into the King's service.

When they arrived at the Tower, they were put into a boat, and attended by three other boats, with a file of musqueteers in each. Thus they were conducted to Westminster, where they were examined before the Justices, Chalk and Blackerby, and then put into a coach, guarded by a party of foot-soldiers and conveyed to Newgate, from whence, with their companions, they were afterwards carried to Kingston, where they were tried and condemned as we have seen.

After sentence, which was passed upon them on the 5th of April, they appeared as unconcerned as before. Burnworth diverted himself with drawing
ing

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ing pictures of his adventures, and the others intelligent stories of their pranks. They had entertained great hopes of making their escape, for which purpose they had already procured several small files, which they concealed in the waistbands of their breeches. Blewit's brother, coming to see him, was overheard to say, he had forgot the opium, which gave the keepers a suspicion, and Burnworth's mother coming soon after, they searched her, and found several pistols and saws upon her, whereupon she was committed to the Stock-house. Then the prisoner's were all searched, and besides other implements, a large clasp knife was found upon one of them. It appeared upon examination, that their design was to give the persons who guarded them opium in their wine or beer, and to have murdered them at midnight, while they were asleep; after which they intended to file off their own irons, cut the bars of the window, and, as soon as they got out, to set fire to a great stack of hay behind the prison, and to two or three other places in the town, and so by putting the inhabitants into the utmost consternation, they themselves in the meantime might have the better opportunity of escaping.

The discovery of this design had no great effect upon them. They appeared as unconcerned and impenitent as ever, especially Burnworth, who told one of the guards, that if he did not take care to see his body decently buried after execution, he would meet him in a dark entry and pull his nose off. But on Wednesday morning, appointed for their execution, they began to be a little thoughtful of their approaching fate, and apply

ply to their devotions with a sort of seriousness.

About ten o'clock they were all six brought out of the Stock-house, and put into one cart, attended by a company of foot-soldiers to Kingston gallows. In their way thither, Blewit happening to see one Mr. Warwick among the croud, he desired to speak with him: Mr. Warwick coming up to the cart, Blewit fell on his knees, and said. *I must ask your pardon for having once made an attempt on your life, by presenting a pistol at you, which I did upon a suspicion that you knew some things that I had been guilty of, and had given information against me.* Mr. Warwick readily forgave him.

When they arrived at the place of execution Blewit confessed he had practised thieving for about sixteen years, and that his first fact was stealing a silver spoon in the Old Bailey. He desired that no reflections might be cast upon his mother, for she had often on her knees, and with tears in her eyes, begged him to leave his vicious courses. Then he named the *Penitential Psalm*, set the tune, and repeated each line to his fellow criminals. He, Dickenson, and Berry had provided coffins for themselves, not expecting to be hung in chains.

Dickenson said, he had served as a foot-soldier under his father, who, when living, was Lieutenant in the army. He confessed that he once fired a pistol at one Mr. Hunt, in St. George's Fields, but missed him. He desired the spectators to take warning by his sufferings and avoid ill company, which had brought him to that shameful end.

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After this they all shook hands, and kissed each other, and a short time being allowed for their private devotions, the cart drew away, and they were turned off, crying, *Christ have mercy upon us.*

Dickenson died very hard; after they had hung about two minutes, the agonies of death being strong upon him, he kicked off one of his shoes, and loosened the other.

Thus ended the lives of these extraordinary offenders, Burnworth being about 24 years of age, Blewit 26, Higgs 19, Berry and Legee about 21 each.

After execution, their bodies were brought back in a waggon to the New Gaol in Southwark where they were put in irons. Burnworth and Blewit were hung up in St. George's Fields, over-against the Two Fighting Cocks in the Mint, which was near the place where the murder was committed. Dickenson and Berry were hung upon Kennington Common; but the Sheriff had orders to suffer the friends of Dickenson to take his body down, after it had hung one day which was granted in regard to his father's service in the confederate army, particularly at the siege of Air in Flanders, where he gallantly lost his life. Legee and Higgs were hung in chains on Putney Common.

It may not be improper, to add a word here in relation to Marjoram. He served an apprenticeship to an Ivory Turner in Flower-de-luce Court, Fetter-lane. Having convicted his companions at Kingston affizes, he was sent back to the New-Gaol in Southwark, and after some time obtained his discharge; but, on the 29th of September 1726, about ten at night, when he had not been
a week

a week at liberty, going with a new comrade out of Charter-house-street into Long-lane, he saw three butchers before him, and stepping up behind one of them, cut the string of his apron, and took away his steel, but being immediately pursued, he was taken in Barbican. For this fact he was tried at the Old Bailey, in October following, and the indictment being laid for privately stealing to the value of 2s 6d and he being a notorious offender, the Jury found him guilty, and he received sentence of death; but was afterwards reprieved, in order to be transported.

The Trial of CATHERINE HAYS, &c. for Murder with the most remarkable Passages of her Life.

ON Wednesday, March 2, 1725-6, about break of day, one Robinson, a Watchman, found a man's head (which appeared to be newly cut from the body) and a bloody pail near it, in the Dock before Mr. Mackreth's Lime-wharf, near the Horse-ferry, Westminster. Surprized at this, he called several in the neighbourhood to see it. The Town was soon alarmed with the news. The Head was carried to St. Margaret's Church-yard, and laid upon a tomb-stone, but, it being much besmeared with blood and dirt, the Church-wardens ordered it to be washed, and the hair to be combed; which being done, it was set upon a post for public view, to the end, that some discovery might be made. Mr. Bird, the High-Constable of Westminster, issued private orders to

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to the petty constables, to guard all the avenues (within their liberty) leading to the Thames, and to search all carts and coaches that should pass towards the water-side; it being thought that the body would be disposed of as the head had been. These orders were strictly observed for two or three nights, but without any success.

The head continued exposed for three days, a vast concourse of people went to see it, and various were the conjectures about it. Several fancied they had seen the face before but could not recollect when or where; indeed William Bennet, the King's organ-maker's apprentice, and Samuel Patrick, thought it to be the head of one John Hays, with whom he had been well acquainted. Bennet went to Mrs. Hays, and told her, that the head was so very like her husband's, that he believed it to be his, she answered, that it was impossible to be so: for her husband was alive and well, and therefore he ought to have a care how he raised such a report, or he might bring himself into trouble. This reprimand made the lad think he was mistaken, and stopt him from saying any more of the matter till after the discovery.

Mr. Patrick went to the Dog and Dial in Monmouth-street, where Mr. Hays was well known. He told some company there, that he had seen the head, and could not help thinking that it was the head of his friend Hays. They assured him he must be mistaken, because Thomas Billings, a taylor, who was one of Hays's lodgers, would have told them if Hays had been missing. Billings being present, said there could be nothing in it, for, when he came from home in the morning

ing, he left Mr. Hays in bed, and in good health. With this answer Mr. Patrick was satisfied.

On the 6th of March, the head was delivered to Mr. Westbrook, a Surgeon, who put it into a large glass of spirits, and exposed it to the view of those who were desirous to see it.

About this time, Catherine Hays, Thomas Billings and Mary Springate, who all lodged in the house of Mr. Weingard, a Smith, in Tyburn Road, removed from thence to the house of Mr. Jones, a distiller, a little further in the same road.

On Monday, the 21st of March, Mr. Ashby, who was intimately acquainted with John Hays, called to see him. Catherine Hays was in several stories, but at last told Mr. Ashby, that her husband had killed a man, by giving him an unlucky blow in a quarrel, and had thereupon absconded.

Mr. Ashby, very much dissatisfied with this account, went directly to Henry Longmore, who kept the Green Dragon ale-house in Kingstreet, and acquainted him with what he had heard. Mr. Longmore was nearly related to John Hays, and being surprized at the story, went himself in the evening to Catherine Hays, and, by what he observed from her discourse and behaviour, he thought there was great reason to suspect that her husband had been murdered, and that she at least was conscious of it. Full of these thoughts he returned home, and next day called upon Mr. Ashby, and they both went to Mr. Westbrook's, and desired to see the head. They no sooner saw it, than they were satisfied it was the head of John Hays.

On Wednesday they applied to Justice Lambert, and made oath of all that they had discovered. The Justice not only granted them his warrant for apprehending Catherine Hays, but went himself with them and the constable, to her lodgings, about nine o'clock the same night.

Finding her chamber door shut, they knocked. She asked, who was there? they answered, *open the door, or we will break it open.* She said she was in bed, and desired them to stay till she put her cloaths on, which they did, and then she let them in. They presently seized her, and, finding Thomas Billings sitting upon her bed without shoes or stockings, they took him too; and then going up into the garret, they apprehended Mary Springate.

These three were carried to Justice Lambert's house, where he examined them apart, but neither of them would confess any thing. Catherine Hays was committed to Tothill-fields Bridewell, Billings to New-prison, and Springate to the Gate-house.

Catherine Hays expressing a great desire to see the head, the next day, as the officers were carrying her in a coach, to be examined a second time before the Justice, they stopt at Mr. Westbrook's door, and, going in, the head was shewn her. She kissed the glass it was in, and said it was her dear husband's head, and begged to have a lock of his hair; but Mr. Westbrook told her, he was afraid she had had too much of his blood. She fainted away, but being recovered was carried before the Justice.

While

While she was under examination, Mr. Cross, a Constable, came in with news, that a few hours before, Mr. Huddle, a gardener at Marybone, and his man, as they were walking in the fields, had discovered the limbs and trunk of a man's body, wrapped up in two blankets, and lying in a pond near the Farthing-pye-house. She, however, would confess nothing; but, there being strong presumptions of her guilt, she was that afternoon committed to Newgate.

The head was carried to Marybone, where, in the presence of several surgeons, it was found to correspond with the body.

On the 26th of March Mr. Higgs, Coroner for the county of Middlesex, summoned an inquest to enquire for the King, &c. when Mr. Longmore made the following information.

The Information of Henry Longmore, of the Parish of St. James's, Westminster, taken, and acknowledged upon oath, this 26th of March, 1726, before Charles Higgs, Esq. Coroner.

"This Informant saith, that on Monday morning last, Mr. Joseph Ashby told this Informant, that he heard Mr. Hays had killed a man; upon which, the same evening, this Informant went to Mrs. Hay's lodgings, where he found her, Thomas Billings, and a lad about sixteen years old; and, asking how his cousin John did, Mrs. Hays said, *I suppose you have heard of his misfortune?* Upon which the lad laughed

very much; and, whenever this Informant asked her any questions about Mr. Hays, the lad burst out a laughing to that degree that this Informant had a mind to have spoke to him, but was afraid Mrs. Hays should suspect his design; which lad, this Informant hath heard, was one William Bennet, apprentice to an Organ-maker; the lad went away, and then Billings went for candles; when he was gone, Mrs. Hays told this Informant, that her husband happened to strike an unlucky blow, and that the man was dead and buried, and that nobody new of it but a boy, and that she went to the wife of the deceased, and made it up, by giving her a note for 15l. a year. And this Informant further saith, that she then declared, that there had been two men to enquire for her husband, which she supposed came from the widow. That when Thomas Billings returned, this Informant going away, she followed this Informant to the window upon the stairs, and, stopping him, she said, he went away for the man he had killed, and was gone into Hertfordshire: and, asking when he went away, she said she had been in her present lodging about a week, and that he went away about a day or two before. Upon this Mary Springate went into Mrs. Hays's room, and Mrs. Hays said, *this woman knows all the secrets*, and called her upon the stairs; upon which Springate said, *Ah! poor unfortunate Mr. Hays!* and then she went up again. That Mrs. Hays asked, what she should do to get her rent out of the Country? and asked this informant, when he would come again? which she desired might be in a day or two. The next day this informant went to Mr. Weingard's, where he
heard,

heard Mrs. Hays had been gone from thence about a fortnight; and, this Informant going to her again that night, he asked her, if she had heard from her husband? she said, no, he did not use to write to her. And this Informant further saith, that, on Wednesday last, he went with Mr. Ashby for a warrant, and seized the said Mrs. Hays, who was in bed, and the said Thomas Billings in the same room, with his shoes and stockings off; and she, being carried before Justice Lambert, and the said Justice telling her, she was taken up on suspicion that the head of a man that was found, was her husband's; and this Informant telling her, he believed it was his head, she said it could not be so, for her husband went into the country for killing a man. And, being asked, where he killed the man? she said, she could not tell, nor where the man lived that was killed. She being then asked, what day he went away, and what money he took? she said, 25 guineas, eight new shillings, and eighteen sixpences; and that she sewed the guineas in his cloaths; and that he took with him four pocket pistols. And this Informant further saith, that he, the next day, went with her to see the head, and she said *It is my dear husband's head! that is my dear husband's hair!*"

Henry Longmore.

Charles Higgs, Coroner.

On the Sunday morning following, one Thomas Wood, who was likewise suspected of being concerned in the murder of Mr. Hays, came on horse-back from Greenford in Middlesex, to Mr. Weingard's (where Catherine Hays lodged when he went out of town) and enquired for

her. He was told, she was removed to Mr. Jones's, a little farther in the street. He went to the house, and asked for her. The people there, knowing him to be suspected of the murder, said nothing of her being apprehended; but told him she was at Mr. Longmore's in King-street. He went thither, and was immediately taken into custody, and carried before Justice Lambert, who examined him, but he would confess nothing. The Justice committed him to Tothill-fields Bridewell.

Hearing there what discoveries had been made, relating to the murder, he concluded it would be in vain to insist any longer on his innocence, and therefore resolved to make a full confession. This being intimated to Mr. Lambert, he came down in the evening, with two other Justices, when Wood confessed as follows.

The Examination and confession of Thomas Wood, taken before John Mohun, Oliver Lambert, and Thomas Salt, Esqs; three of his Majesty's Justices of the Peace for the County of Middlesex, this 27th day of March, 1726.

“ Who confesseth and saith, that on Tuesday, being the 1st day of March, he had been drinking in several places, and that the last place was the Hog-in-the-Pound, and came about twelve o'clock at noon to Mr. Hay's lodgings, and, when he came home, was merry, as Mr. Hays told him; and Mr. Hays told him, he could drink a great deal of liquor and not be fuddled; and said, *I and another drank half a guinea*

guinea a-piece in wine, without being fuddled. That Thomas Billings, then in company, said, that if Mr. Hays would then drink half a guinea's worth of wine, and not be fuddled, he would pay for it; that Hays agreed, and they each put down half a guinea; and that Catherine Hays, Thomas Billings, and this Examinant, went out about four o'clock in the afternoon, on the day aforesaid, to Bondstreet, and brought in with them, to Mr. Hays's lodgings, about six or seven bottles of wine, and found Mr. Hays by the fire-side, in the fore-room, eating bread and cheese. That then the Examinant went to the Angel and Crown and fetched a pot of twopenny, to drink while Mr. Hays drank the wine; that he staid about half an hour; and, when he returned, about half the wine was drank, and Mr. Hays began to be very merry, and danced about the room, and said, he thought he should not have wine enough to make him fuddled; on which, Thomas Billings went out by himself, and fetched another bottle of wine; and when Hays had drank that, he began to reel about the room, and went and laid down on the bed in the back-room: that Thomas Billings followed him into the said room; and there, with a hatchet, struck him on the back part of the head, which blow, he, this Examinant, heard given, and went into the room, and found Mr. Hays dead; and that Mrs. Hays immediately followed this Examinant, and said, *we must take off his head, and make it away, or it will betray us*; and that then Catherine Hays, Thomas Billings, and this Examinant, with this Examinant's pocket-knife, cut off Mr. Hays's head, about eight o'clock at night, on the day aforesaid, and then put it into a pail
without

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without a bale; and Thomas Billings and the Examinant, carried the pail with the head in it to the water side; and, when they came there, Thomas Billings set down the pail, and this Examinant took it up, and threw it into the Thames, and so both returned to Mrs. Hays's lodgings, and went to bed in the fore-room, in which room Mrs. Hays sat up all night."

"And this Examinant further confesseth, and saith, that the next morning as soon as it was light, Catherine Hays, Thomas Billings, and this Examinant, began to consult what they must do with the body: that Catherine Hays proposed to put it in a box which she had by her, and put it in a coach, and carry it away, and throw it into the Thames; that they all endeavoured, but the box was not large enough to hold it; upon which Catherine Hays proposed to cut it in pieces, which she, Thomas Billings, and this Examinant did, and put it into the box, where it remained till night, and then all agreed to carry it out by parcels; and that first, about nine o'clock at night, Thomas Billings, and this Examinant, took the carcase in a blanket, and carried it by turns to a sort of pond, or ditch, in Mary-bone fields, and threw it in with the blanket; and then returned again to Mrs. Hays's lodgings, being eleven o'clock at night, and then took the limbs in a piece of blanket, and by turns, carried them to the same place, and threw them into the pond, and returned again about twelve or one o'clock the same night, and knocked at the door, and were let in by Mary Springate; that they went to bed in the fore-room, and that Catherine Hays was in the same room,

room, and sometimes went and laid down upon their bed."

"And this Examinant further confesseth, and saith, that on Thursday, being the third of March, he went to Greenford near Harrow in Middlesex, and carried with him a white coat, and a pair of leathern breeches, which were Mr. John Hays's, and are now at Mr. Bower's at Greenford aforesaid."

"And this Examinant further confesseth, and saith, that on Saturday, being the 5th day of March, this Examinant returned to Mrs. Hays's lodgings, for some linen of his own; that then Mrs. Hays gave him a pair of shoes, a waistcoat, a hat, and a pair of stockings, which this Examinant knew to be her late husband's, and likewise gave him two shillings in money; that she told him the head was found at Westminster, but was not known; then he returned to Mr. Bowers aforesaid."

"And this Examinant further saith, that Catherine Hays gave him three shillings and sixpence, and promised to supply him with money whenever he wanted. And farther saith, that the said Catherine Hays had many times before, and often on the first day of March, proposed to Thomas Billings and this Examinant, the murder of her husband: that Thomas Billings had agreed to murder him, and offered to give this Examinant money to buy wine to make Mr. Hays drunk, that they might accomplish the murder."

"And this Examinant farther saith, that Mary Springate was no ways privy, or any ways consenting or assisting, to the aforesaid murder, or
to

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to the carrying away the body, or any thing relating to it."

Capt. coram nobis, &c.

THOMAS WOOD.

The next day being Monday, going to see Catherine Hays in Newgate, she desired him to tell Billings, that it was in vain for him to deny the murder any longer; for they were all guilty, and must die for it. Billings hearing this, and that Wood had already confessed, immediately resolved to follow his example.

The Examination and Confession of Thomas Billings, taken before Oliver Lambert, and Gideon Harvey, Esqs; two of his Majesty's Justices of the Peace for the County of Middlesex, on Tuesday, March 29, 1726.

"Who saith, that Catherine Hays, Thomas Wood, and this examinant, about three weeks before the murder of Mr. John Hays, had consulted to murder the said Hays, but not in what manner to put it in execution: that on the first of March, he being in Mr. Hays's room, with Catherine Hays and Thomas Wood, discoursing about drinking, Mr. Hays told him he could drink a great deal of liquor and not be fuddled, to the value of half a guinea. That Catherine Hays, Thomas Wood, and this Examinant, went for about six bottles of mountain wine. That going for the wine, they three consulted to murder the said John Hays, it being a proper time after he had drank the wine, being about four o'clock in the afternoon: that on their return they found Mr. John Hays eating bread and

neese: that Mr. Hays began to drink the wine: that Catherine Hays, Thomas Wood and this Examinant, did not drink above one glass each of the said wine: that Mr. Hays began to be very merry, and to dance about the room: that this Examinant fetched another bottle of wine, which they all drank among them: that the said John Hays began to reel about the room, and went and laid down on the bed in the back room: that this Examinant went into the said room, about a quarter of an hour after him, and there, with a hatchet, struck him on the back part of his head. That Thomas Wood took up the said hatchet, which this Examinant had just laid down, and therewith gave Mr. Hays a blow or two: that the said Catherine Hays immediately followed into the said back room, where the said Thomas Wood cut off the head of the said John Hays with his knife: that the said Catherine Hays and this Examinant were close by the bed, when the said head was cut off: that the said Catherine Hays held the pail while Thomas Wood put the head in; that the said pail was without a bale. That this Examinant, with Thomas Wood, took up the pail, with the head in it, which this Examinant carried to Mill-bank; that Thomas Wood took up the pail and threw it into the Thames, with the head in it, and so returned to Mrs. Hays's lodgings, and went to bed in the fore-room, in which room Mrs. Hays continued all night."

"And this Examinant saith, that on Wednesday morning, the second instant, this Examinant, Thomas Wood, and Catherine Hays, began to consult how to dispose of the body of the said John Hays: that the said Catherine Hays and Thom

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Thomas Wood proposed to put it into a box which she had by her: that the said Thomas Wood cut it in pieces, and put it into the said box where it remained until night. That this Examinant went about noon to work: that Thomas Wood was to look out for a place to throw the body in against this Examinant's return home at night; and that about nine o'clock at night, Catherine Hays gave Thomas Wood a blanket, to carry off the body of her deceased husband; and then all agreed to carry it off in two parcels: that about nine o'clock at night, Thomas Wood and this Examinant carried away the body by turns, to a sort of ditch or pond in Marybone-fields, and threw it in with the blanket, and then returned to Mrs. Hays's lodgings, and then took up the limbs in a piece of blanket, and by turns carried them to the said place, and threw them into the same place; and at their return were let in by Mary Springate."

"And this Examinant farther saith, that he remembers, that Catherine Hays shewed to one or two men a bond which was owing to her husband, but he knows not the sum."

Thomas Billings.

After this confession, Billings and Wood were both the same day committed to Newgate.

On the 14th of April 1726, the Coroner's Jury met again, for a farther Enquiry; when Mr. Longmore made the following additional Information.

"This Informant farther saith, that he was present when Catherine Hays was asked by the Justice, what liquor her husband drank that night he went away? she said, that Thomas Billings
and

and Thomas Wood were with him, and they drank about two or three bottles; but neither of them named the day of his going away."

"And this Informant farther saith, that he was present on the 25th day of March last past, at the taking up a board in the room of the said John Hays's lodgings, and found blood and sand under the said floor; and also saw several drops of blood sprinkled against the wall of the fore-room of the said John Hays's lodgings, and also upon the cieling of the said fore-room, and on the wall, some part of which the blood seems to have been lately scraped. And this Informant farther saith, that he was present when Thomas Billings confessed before the Justices, that himself, Thomas Wood, and Catherine Hays, consulted to kill John Hays, above three weeks before they did kill him; and that, on the first day of March last past, in the afternoon, they all three went to fetch six bottles of mountain wine; and that, as they were going along, they all three agreed, when he was drunk, it would be the properest time to kill him; and that when he was drunk, he went to lie upon the bed in the back-room, and he followed him the said John Hays, and gave him his death's blow on the head with a hatchet; and that Wood gave him a blow or two more on the head with the same hatchet; and Mrs. Hays immediately coming into the room, Wood cut off the head, he, the said Thomas Billings, and Mrs. Hays, standing by, holding the pail."

Henry Longmore.

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Charles Higgs Coroner.

The Coroner's inquest, after examining several other witnesses, brought in their verdict *Wilful Murder*, against Catherine Hays, Thomas Wood, and Thomas Billings; and on Friday the 22d of April, they were brought to their trial at the Old Bailey, before the Lord Chief Justice Raymond, and Mr. Baron Price. The Court was never known to be so crowded before; several persons of quality being upon the Bench with the Judge; and a guinea a piece was offered by several for admittance.

THOMAS BILLINGS, and THOMAS WOOD, of St. Mary le Bon, were indicted for the murder of John Hays, Billings by beating, striking, and bruising him on the hinder part of his head with a hatchet and thereby giving him one mortal wound of which he instantly died, on the 1st day of March, 1725-6; and Wood, by being present, aiding, abetting and maintaining the said Billings in committing the said murder.

To this indictment they both pleaded Guilty.
Death.

CATHERINE HAYS was indicted for Petit Treason, by being traiterously present, aiding, abetting, comforting, and maintaining the said Thomas Billings, in the murder of the said Hays, her husband.

The Council for the King (who, by his majesty's order, carried on the prosecution) having opened the indictment, the charge, and the evidence, the witnesses against the prisoner were called and sworn.

Richard Bromage. After the prisoner, Catherine Hays, was committed to Newgate, I, Robert Wilkins,

Wilkins, and Leonard Myring, went to visit her there. I am very sorry, Mrs. Hays, says I, to see you here upon such a sad occasion as the murder of your husband. And so am I too, says she. But what a God's name, says I, could put it into your head to commit such a barbarous murder? why, says she, the devil put it into my head; but however, John Hays was none of the best of husbands, for I have been three parts starved ever since we were married together. I don't in the least repent of any thing I have done, but only drawing those two poor men into this misfortune. I was six weeks in importuning them to do it; they two or three times refused to be concerned in it; but at last I over-persuaded them. My husband was made so drunk, that he fell out of his chair, and then they carried him into the back-room and laid him upon the bed, and there Billings knocked him on the head with a hatchet, and Wood cut his throat. This was what they told me, for I was not in the room when he was killed: but, as soon as he was dead, I went in and held the candle, while Wood cut his head quite off. But, says I, how came you to cut and mangle him in such an inhuman manner? she answered, because we wanted to get him into a box; we thought to have done it with only cutting off his legs at the knees; but still we could not get him in, and therefore we cut off his thighs and his arms, tho' when we had done, the box was too little to hold all and shut close; and so the next night we put the body and limbs into two blankets, and Wood and Billings carried them away at twice, and threw them into a pond. But, says I again, what could induce the men to be guilty of all this? was it the lucre of money? no, says she, there was nothing of that in the case, but the devil was in us all, and we all got drunk. And what, said I, can you say for yourself, when you came

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before the Court? she replied, it will signify nothing to make a long preamble; I'll hold up my hand, and confess myself guilty, for nothing can save me, and nobody can forgive me.

*Leonard Myring. I went to see the prisoner in Newgate the day after she was committed, but she confessed nothing at that time. I went again on the Sunday evening, and then she said, I am glad you are come, for Thomas Wood, one of the men who committed the murder, was taken to-day, and has confessed that it was done by him and Billings; but I was not with them when they did it, for I was drunk, and sitting on a stool by the fire in the shop; but I heard the blow given, and I heard somebody slam. And why then, says I, did not you cry out for help? she answered, because I was afraid they would murder me too: and so, after they had killed him, they cut off his head, and carried it out in a pail; and when they came back, Billings sat down by me and cried, and would lie in the room where the dead body was that night.---Another time she told me, that she was not upon the same floor, but in the shop below stairs when her husband was killed.---I went again with Richard Bromage and Robert Wilkins to visit her, and then she confessed that for some time past there had been a contrivance to kill her husband; but said, she did not know they would do it that night it was done. I asked her how they came to contrive so wicked a thing? why, says she, my husband came home drunk one night, and beat me, upon which Billings said, this fellow deserves to be killed. Aye, says Wood, and so he does, and I would be his butcher for a penny: and I told them, as to that they might do as they thought fit. But pray, Mrs. Hays, said I, why did you never acquaint your husband with
their*

their design? because, said she, I was afraid he'd beat me.

Robert Wilkins confirmed the evidence of Richard Bromage.

Joseph Mercer. On the Monday after the prisoner was committed, I went to see her in Newgate, *Mr. Mercer, said she, you are Tom Billings's friend as well as mine, and therefore I desire you will go and tell him, it will be in vain for him to deny the murder any longer, for we are both equally guilty, and we must both die for it.*

Mary Springate. I lodged up two pair of stairs in Mr. Weingard's house, where the murder was committed. On Tuesday, the 1st of March last, I was out all day at work, and came home between eight and nine at night. My husband told me, there had been great merry-making, drinking, and dancing in the room below. I was tired, and wanted to be a-bed, but was willing to know if their liquor was almost out, that I might not be disturbed when I was going to sleep; and so I went down and knocked at the door, and asked her, if they had almost done drinking. *Aye, child, said she, I am just going to bed.* And with that I said no more, but went up again, but it was not long before I heard the door open. I called, and asked her who it was went out? *O! says she it was my husband, he is gone into the country with a charge of money, and I am frightened out of my wits for fear he should be murdered. I wish to the lord he may come safe home again, but I never knew such an obstinate man in my life when he gets a little liquor in his head.--There was no such thing as persuading him to stay till morning.*

I got up by five o'clock the next day, and went to my work. I returned at about nine at night,

and found the prisoner sitting by the fire-side, with Wood and Billings, but without any candle. She said, she was very uneasy upon her husband's account, for fear some wicked rogue or other should knock him on the head for his money. I went up to my own room, but had not been long there before I heard something drawing along the floor, and the door open, and somebody go out. Upon which I went down and asked her what they were doing? she said, the men were going to fetch a bed home, so I went up again; and when they came back she let them in, and I heard them say, they had not got money enough for the bed. By and by I heard another drawing along the floor, and the men went out again. And when they returned, I let them in myself, but they had not yet brought the bed. *What, says she, was the landlord's mark upon it?* they answered, *yes.* *Why then, said she, I am glad you did not bring it.* I left them, and went up once more to my own room. In a little time I heard another bustling below, at which I began to grow very uneasy, and thought that something more than ordinary must be the matter; and so I was going down again, but she met me at my own door, and said, she was come to smook half a pipe with my husband. While she staid, I heard the men going out again; I stepped to the stair-head and looked down over the rails, she followed, and asked me why I was so uneasy? *to tell you the truth, says I, Mrs. Hays, I believe you are going to move your goods by night, and I think it's a shame you should do any such thing, when you have got money by you.* No, indeed, says she, *it's no such thing.* Then, pray, says I, *Mrs. Hays, tell me what is the matter?* *why nothing says she,*

she, and therefore I beg you would make yourself easy. The next day, which was Thursday, I saw Wood go out with a bundle, and turn down Swallow-street. I asked her, what that bundle was, and she told me it was a suit of cloaths that he had borrowed to go abroad in last Sunday. The head that was thrown into the Thames at Mill-bank, and the pail that it was carried in, were brought to me to the Gate-house to see if I knew them. I knew the head to be the head of Mr. Hays, and that the pail was his pail. Mr. Bowers, let me see the coat---And this coat, my Lord, was Mr. Hays's coat.

At the sight of the coat the prisoner at the Bar fainted away.

Richard Bowers. Wood lodged at my house at Greenford three weeks. When he first came, which was on Thursday the third of March, he brought this coat with him.

Prisoner. I own that, three or four days before my husband was killed, there was a design against his life; but I was not guilty of his blood. He and Billings had been playing at cards, and fell out about the game, and I bidding Billings tell the pips of the cards, my husband flew into a passion and beat me, which Billings very much resented, and from that time resolved to murder him; but I had no hand in it; for, when it was done, I was in the next room, and therefore I am clear and innocent of the fact.

The Jury found her Guilty, *Death.*

The Ordinary's account of these three criminals is as follows.---In the time of delivering useful instructions, all of them appeared attentive; but shewed no outward signs of repentance and sorrow for sin requisite in every sincere christian,

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tian, much more in such notable and impious offenders.---Wood, the murderer, was most affected, but he appeared but two or three days in the Chapel, for, falling sick, he died in the condemned Hold a few days before the sentence was put in execution. Billings, who actually murdered Mr. Hays, was a confused, hard-hearted young fellow, and had few external signs of penitence. Mrs. Hays was too unconcerned, and I fear, too often her mind was taken up with things altogether foreign to the purpose. The dead warrant coming down on Friday the 9th of May, Mrs. Hays, who before shewed but little concern, being assured she was to die on Monday, wept bitterly; and the rest appeared more affected than usual.

Thomas Billings (as Mrs. Hays affirmed some days before their execution) was son to John Hays and Catherine Hays, and between 19 and 20 years of age. When he was a child he did not live with his father and mother, but with some of their relations in the country. He was put to school in his younger years, and taught to read his mother tongue, and was instructed in the knowledge of the christian religion. I asked him if he knew what parents he was of? he said, he did not, but believed himself to be a bastard, but a near relation of Mrs. Hays's; but which way he could not tell: that he was put to a taylor in Worcestershire, and that there was a shoemaker in that country, now dead, with whom he staid when he was young, who always passed for his father. I asked him what moved him to murder Mr. Hays? he said, he was cruel and barbarous in beating and abusing her, that he threatened to murder himself, and
said,

said, that some time or other he should kill his wife; and that he was an avowed atheist, frequently blaspheming in a manner which ought not to be expressed, denying the immortality of the soul, and alledging, that men and women were in the same condition with the beasts that perish.

Upon such foolish pretences, Wood and he conceived a false notion, that it was no more sin to kill him than a dog or a cat. I told him, that if he was such a wicked man as he represented him to have been, there was so much the less shadow of reason to murder him suddenly and unexpectedly; since it was more reasonable, upon that very account, to suffer him to live, that he might have time to think upon the evil of his ways, and repent of his crying sin, God being always willing to receive into favour all penitent sinners, however notorious their guilt might be. All this he acknowledged, adding, that he had never done it had he not been foolishly intoxicated with liquor, so that he knew not what he was doing. He owned, that there was no cause for so villainous a murder; and that, whatever punishment was inflicted upon him, was infinitely less than what he deserved. He said, that no sooner was the thing done, but immediately his conscience was seized with such horrible guilt, that he would have given the world to have it undone, but that was impossible; and that Mrs. Hays and he wept and mourned most bitterly all that night. He denied himself to have been upon the first contrivance of the murder, but that Mrs. Hays and Wood first consulted about it; and, being overcome with drink, he

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he was so left of God as to commit the murder.

Mrs. Hays denied that she ever advised Wood or him, to make away with him, or that she knew any thing of it till the fact was done.

Wood, who, the second day after his sentence, was confined to the Hold, and could not come to the Chapel because of a violent indisposition, of which he died; went to death with it, that Mrs. Hays pressed upon him for some time to murder Mr. Hays, but he refused. He also said, that Mrs. Hays held the candle whilst he cut off the head, and advised to the cutting his body in pieces, in order to carry it off with the greater conveniency, and was present at the doing of it: but this, as a dying woman, she denied. Wood appeared to be mightily concerned, and very penitent.

I asked Billings, if he knew that Mrs. Hays was his mother? he said, she had told him something of it; but that he knew nothing of Mr. Hays's being his father,---declared himself heartily sorry for his sin, and that he was content to have his body disjointed, and all his bones broken, bone by bone, or to suffer the most painful death the wit of man could invent, since his punishment was greater than he could bear. Billings said, that from his infancy he had always lived in the fear of God, that he had studied and practiced religion, and of which indeed he wanted not a competent knowledge for one of his station; and that, excepting the barbarous crime of parricide, for which he died, he had never committed any heinous sin; neither had he been addicted to any of those vices of whoring, drinking, lying. He said also, that he had once
taken

taken the sacrament. I told him, that by that one mortal sin of parricide, he had lost all his former righteousness. He hoped the seed of grace was left in him. I said, that it appeared very ill in such hellish fruits; his crime not being a common murder, but parricide by his own confession; for he knew Mrs. Hays to be his mother, and consequently Mr. Hays her husband, to have some paternal relation to him. He declared himself most penitent for his offence. He seemed to have been a young fellow of a simple, easy foolish temper, and to have been seduced into the commission of this unheard of cruelty, by the persuasion of Wood, or some other way. He expected salvation only through the merits of Christ, and died in the communion of the church of England, of which he owned himself an unworthy member.

Catherine Hays, born in Warwickshire, of honest and respected parents, aged (as she said) about 34 or 36 years, educated in the faith of the church of England. But what good instructions she received in her younger years were mostly forgotten, for she married Mr. John Hays, son to a countryman in Warwickshire, within four miles of the city of that name, who had an estate in land of 40 or 50l. per. ann. as she said, when twelve or thirteen years old, but, as her friends said, fifteen or sixteen, upon eight days acquaintance; for, travelling by Mr. Hays's father's house, and asking the way, old Mrs. Hays asked her to come in, and young Mr. Hays fell deeply in love with her, and married her suddenly without consent of friends, she having left her mother's house upon some discontent: and, as she affirmed, Mr. Hays her husband was so intent upon the

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the world, that he would not suffer her to apply to the reading of her books, or religious exercises, such as praying, &c. and that all the time of her marriage, which was twenty years and eight months, he would never suffer her to go to church but two or three times, namely, twice at London, with Billings the murderer, her son, whose true name, upon the word of a dying woman, she assured me was Hays; and that when she went to church, it was without her husband's knowledge, and contrary to his consent. They lived in Worcestershire upon a piece of land of their own, and some, of which they farmed; but she complained that Mr. Hays was a very unkind husband, beating and mortifying her upon every trivial occasion, in a cruel manner; and, that when she was with child, he would never suffer a midwife to be called for her but once, which, with his other ill usages, proved the cause of abortion, and commonly put her in hazard of her life. Five or six years ago, upon discontents and grudges arising in the family, between Mr. Hays's father and mother and her, and her husband and her, they sold all off they had in the country, and came to town, where they kept a chandler's shop, and lived in different places, till lately they took a house in the parish of St. Mary-le-Bone, where this unfortunate accident of her husband's murder happened. When I first visited her, asking the cause why they murdered Mr. Hays in so barbarous a manner? she told me, that it was no more sin to kill him than a dog or a cat, because of the cruel usage he gave her, and the blasphemous expressions which he too frequently used, declaring that he believed nothing about a God, and that the souls of men
and

and women died like the brutes.---Wood, when I told him this, cast the whole blame upon her, saying, that twenty days before the murder happened, Mrs. Hays advised, and frequently pressed him to murder her husband, upon doing of which he should be master of all her money, which was of a considerable value; that he would not consent to do it; but that afterwards she proposing it to her son Billings, he too easily agreed to it. Wood held to this confession till his death; for two or three days before he died, lying sick in the Hold, he affirmed the same, adding, that she advised to the cutting off his head, legs, and arms, and held the candle while it was doing.

All this Mrs. Hays constantly denied, and by all the arguments I and several who spoke to her, could use, she could not be in the least moved to make any farther confession; only, that three days before the unlucky time to her and the other two, Thomas Wood sitting beside Mr. Hays in the house, and holding his hand over Mr. Hays's shoulder, said, *Mr. Hays, I think it no more sin to kill you than a dog or cat. Why?* says Hays. Wood answered. *Because you are so cruel to that poor industrious woman, and because you are so atheistical and wicked.* Mr. Hays said, that as to striking his wife, he had such a giddiness in his head at times, that he knew not what he was doing; and he believed that sometime or other he should kill his wife in his passion, which he could not help.

Notwithstanding this, Billings said, that his mother and Wood first plotted the murder, altho' when she was present, he stood in awe, and would say nothing of her. What passed be-

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tween Wood and Mrs. Hays, was all she would confess, that she knew nothing of any fore-thought or design of murdering her husband. I told her, supposing she knew nothing of a premeditated intention, yet her concealing the murder, and abetting the murderers, made her equally guilty of the crime in the eye of the law. That she acknowledged, and said, she desired not to live, but thought she should not be burnt. I told her that Burning was the particular punishment appointed by the law of England, for women who were concerned in the murder of their husbands. She wept and fretted when she thought on this.

Asking her why she concealed her husband's murder? she said, that the ill usage he always gave her cooled her affection towards him, and her only son being concerned, she could not think of delivering him up to public justice.

She spoke much of Mr. Hays's beating and mortifying her, and some times breaking her ribs and bones, and of his having murdered two newborn children of hers, and of burying them one under an apple-tree, and another under a pear-tree, at two different places, where they lived in Worcestershire; a note of which, a neighbour of hers in that country, who lives near to these places, took, and was to dig about the trees, to see if he could find any of the bones, and was to write an account of it to town, if any such thing could be found.

Being asked, why she maligned and spoke so much to her husband's disadvantage, now he was dead, and murdered in so barbarous a manner? she said, she had no malice in her heart to him, but that her being so ill-treated by him was the cause why she concealed the murder, and was

so indifferent about it; and that she could not die in peace till she opened her mind, about the two children.

She seemed to be a woman of good natural parts, but grossly ignorant in religious matters. I was always very pressing upon her to consider her latter end, and to improve the knowledge of God, and the salvation which is to be obtained only in and through Jesus Christ. She frequently affirmed, that she had no doubt of being happy in another world, because she had been just and upright in her dealings, charitable to the poor, careful in household affairs, faithful and dutiful to her husband.---As to *conjugal duties*, I told her, that though she did not actually imbrue her hands in her husband's blood, yet by patronizing and supporting such execrable murderers, she declared herself a very ill woman, and deserving the punishment appointed her. At which she sighed and groaned, confessing herself faulty in part; for which she begged of God and the world pardon, and declared, she heartily repented of the murder, so far as she was concerned in it.

She said, she believed in Jesus Christ her only Saviour, upon whose account alone she expected eternal life and salvation. By frequent instructions, I brought her to understand some of the first *elements* of Christianity; but was greatly troubled to see her much less concerned than what I desired; for when I spoke to her about the great concern of her soul, she was too ready to bring in some little story, nothing to the purpose; for which, when I reproved her, she acknowledged her error. She declared herself of the communion of this church, of which

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she was an unworthy member. When in Chapel, I preached, or prayed, or discoursed about murder, she commonly fainted away, which she acknowledged to proceed from the thoughts and apprehensions of her husband's horrible murder, which still harrassed and distracted her mind night and day, ever since it happened.

At the place of execution, Mrs. Hays was burnt alive, May 9, 1726. She appeared altogether unconcerned, and owned Billings for her child. Billings was hanged at the same time and place.

An annonymous punster, imagining that this execrable murder was a proper subject for drolery, exerted his talent in composing the following ballad, intituled.

A SONG, on the Murder of Mr. Hays.

To the Tune of CHEVY-CHACE ———

By Mrs. H A Y S.

*In Tyburn-road a man there liv'd
A just and honest life,
And there he might have lived still
If so had pleas'd his wife.
But she, to vicious ways inclin'd,
A life most wicked led,
With taylors and with tinkers too
She oft defil'd his bed.
Full twice a-day to church he went,
And so devout would be,
Sure never was a saint on earth,
If that no saint was he!*

This

This vex'd his wife unto the heart,
 She was of wrath so full,
 That finding no hole in his coat,
 She pick'd one in his scull.
 But then her heart began to relent,
 And griev'd she was so sore,
 That quarter to him for to give,
 She cut him into four.
 All in the dark and dead of night,
 These quarters she convey'd
 And in a ditch at Marybone,
 His marrow-bones she laid.
 His head at Westminster she throws
 All in the Thames so wide;
 Says she, my dear, the wind sets fair,
 And you may have the tide.
 But Heav'n, whose pow'r no limit knows
 On earth, or on the main,
 Soon caus'd this head for to be thrown
 Upon the land again.
 This head being found, the Justices
 Their heads together laid;
 And all agreed their must have been
 Some body to this head.
 But since no body could be found,
 High mounted on a shelf,
 They e'en set up the head to be
 A witness for it's self.
 Next, that it no self-murder was,
 The case itself explains,
 For no man could cut off his head,
 And throw it in the Thames.
 E'er many days had gone and past,
 The deed at length was known;
 And Carh'rine she confess'd, at last,
 The fact to be her own.

*God prosper long our noble king,
Our lives and safeties all,
And grant that we may warning take
By Cath'rine Hays's fall.*

The Trial of CHARLES HITCHIN, for Sodomy.

CHARLES HITCHIN, (the Under-City Marhal, formerly a cabinet-maker in St. Paul's Church-yard) was indicted for committing the unnatural and detestable sin of sodomy, with Richard Williamson, March 29, 1727.

He was a second time indicted for a misdemeanour in assaulting Richard Williamson, with an intent to commit sodomy.

Richard Williamson. On the 29th of March, in the evening, coming from the Savoy-gate, I met the prisoner, who invited me to drink, and I consenting, he carried me to the Royal Oak in the Strand, where after we had two pints of beer, he began to make use of some sodomitical indecencies; I desired him to let me go, because I had some business in the Savoy that must not be neglected. He said, I should go, if I would promise to come again, and would leave my hat for a pledge. I did so, and, in a little while, returned to him, and then he took me to the Rummer Tavern, where he treated me with two pints of wine, and hugged me, and kissed me, and put his hand---. From this place he persuaded me to go to the Talbot Inn. There we had another pint of wine, and then he ordered the chamberlain to make a bed ready, and

and bring a couple of night-caps, which was done, and then we went to bed: and the prisoner---and --- and---. The next morning I went to Joseph Cockcroft, who is a relation of mine, and acquainted him with the whole story; and he went back with me to the Talbot, and desired he might be sent for when the prisoner came again.

Joseph Cockcroft. On Saturday, the 9th of this instant April, I was sent for to the Talbot Inn, and going thither, and hearing the prisoner was in a private room with another man, I peeped through the key-hole, and saw him---and---and---. After this, I knocked at the door. The prisoner opened it. I took him by the collar, and told him, I had some business with him. He laid his hand upon his sword, Sir, says I, *if you offer to draw, I'll whip ye through the gills.*

Christopher Finch, servant at the Talbot Inn. The prisoner frequently came to my master's house with soldiers, and other scandalous fellows, and called for a private room, which made me suspect him for a sodomite. And so when he came with the prosecutor, I peeped through the key-hole and saw him.

John Cole and *George Birch,* watchmen, deposed, that, when the prisoner was taken, the prosecutor offered to make the matter up with him for a sum of money.

George Carter, Constable, deposed, that he was called by the cook of the Talbot, and charged with the prisoner, but heard no proposals made by the prosecutor for compounding the matter.

The

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The prisoner called several witnesses to his character, the chief of whom was Micah Wilkins, who deposed, that the prisoner was a very honest man, and had taken a world of pains, and spent a great deal of money, in *discouraging the prophane, curbing the vices, and reforming the manners of the present age.*

The Jury acquitted him of the sodomy, and found him guilty of the attempt. The Court sentenced him to pay a fine of 20 l. to stand on the Pillory at the end of Catherine-street in the Strand, and to suffer six months imprisonment.

He died not long afterwards. For a farther account of him, we refer the reader to the life of *Jonathan Wild.*

The Trial of RICHARD SAVAGE, &c. for Murder.

RICHARD SAVAGE, JAMES GREGORY, and WILLIAM MERCHANT, were indicted for the murder of James Sinclair: Savage by giving him with a drawn sword, one mortal wound in the lower part of the body, of the length of half an inch, and the depth of nine inches, on the 20th of November last 1727, of which mortal wound he languished till the next day, and then died: and Gregory and Merchant by being present, aiding, abetting, comforting and maintaining the said Savage, in committing the said murder.

At the request of the prisoners, the witnesses were examined a-part.

Mr. Nuttal. On Monday the 20th of November last, about eleven at night, the deceased, Lemery, his brother and I, went to Robinson's Coffee-house, near Charing Cross, where we staid till one or two in the morning. We had drank two three shilling bowls of Punch, and were just concluding to go, when the prisoners came into the room. Merchant entered first, and, turning his back to the fire, he kicked down our table without any provocation. *What do you mean?* says I, *and what do you mean?* says Gregory. Presently Savage drew his sword, and we retreated to the farther end of the room. Gregory drawing too, I desired them to put up their swords, but they refused. I did not see the deceased draw, but Gregory turning to him, said, *villain, deliver your sword*; and soon after, he took the sword from the deceased. Gregory's sword was broken in the scuffle; but, with the deceased's sword, and part of his own, he came and demanded mine; and I refusing to deliver it, he made a thrust at me. I defended myself. He endeavoured to get my sword from me; but he either fell of himself, or I threw him, and took the deceased's sword from him.---I did not see Savage push at the deceased, but I heard the deceased say, *I am a dead Man!* And soon after the candles were put out. I afterwards went up to the deceased, and saw something hang out at his belly, which I took to be his caul. The maid of the house came in, and kneeled down to suck the wound, and it was after this that the soldiers came in: and I and Gregory were carried to the watch-house.

Gregory

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Gregory. Did not I say, *put up your swords?*

Nuttal. There might be such an expression, but I can't call to mind when it was spoke.

Mr. Lemery. I was with the deceased, *Mr. Nuttal*, and my brother, at *Robinson's Coffee-house*, and we were ready to go home, when somebody knocked at the door. The landlord opened it, and let in the prisoners and lighted them into another room. They would not stay there, but rudely came into ours. *Merchant* kicked down the table. Our company all retreated. *Gregory* came up to the deceased, and said, *G--d d---n you, you rascal, deliver your sword.* Swords were drawn. *Savage* made a thrust at the deceased, who stooped, and cried *oh!* At which *Savage* turned pale, stood for some time astonished, and then endeavoured to get away, but I held him. The lights were then put out. We struggled together. The maid came to my assistance, pulled off his hat and wig, and clung about him. He, in striving to force himself from her, struck at her, cut her in the head, and at last got away. I went to a Night-cellar, and called two or three soldiers who took him and *Merchant* in a back court--- when *Savage* gave the wound, the deceased had his sword drawn, but held it with the point down towards the ground, on the left side. As to *Merchant*, I did not see that he had any sword.

Mr. Nuttal again. Nor I; nor did I see him in the room after the fray began. But after the candles were put out, he was taken with *Savage* in a back court.

Jane Leader. I was in the room, and saw *Savage* draw first. Then *Gregory* went up to the

the deceased, and Savage stabbed him; and, turning back, he looked pale. The deceased cried, *I am dead! I am dead!*---I opened his coat, and bid the maid servant suck the wound. She did, but no blood came. I went to see the deceased upon his death-bed, and desired him to tell me how he was wounded. He said, the wound was given him by the least man in black; that was Savage, for Merchant was in coloured cloaths, and had no sword,---and that the tallest of them, which was Gregory, past, or struck his sword, while Savage stabbed him. I did not see the deceased's sword at all, nor did he open his lips, or speak one word to the prisoners.

Mrs. *Ederfby*. I keep Robinson's Coffee-house. When I let the prisoners in, I perceived they were in drink. I shewed them a room. They were very rude to me. I told them, if they wanted any liquor, they should have it; but, if they did not, I desired their absence. Upon which one of them took up a chair, and offered to strike me with it.---They went into the next room, which is a public Coffee-room in the day-time. Merchant kicked down the table. Whether the other company were sitting or standing at that table, I cannot be positive; but it was a folding table with two leaves, and there were two other tables in the same room.---Swords were drawn; the deceased was wounded, and Savage struggled with the maid-servant, and cut her over the head with his sword.

Mary Rock, the maid. My mistress and I let the prisoners into the house. My Mistress shewed them a Room. Merchant pulled her about very rudely, and, she making resistance, he took

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up a chair, and offered to strike her with it. Then asking, who was in the next room? I answered, *some company that have paid their reckoning, and are just a going, and you may have the room to yourselves if you will have but a little patience:* But they would not, and so they ran in. I went in not long after, and saw Gregory and Savage with their swords drawn, and the deceased with his sword in his hand, and the point from him. Soon after I heard Jane Leader say, *poor dear Sinclair is killed!* I sucked the wound, but it would not bleed. Savage endeavoured to get away, but I stopt him.---I did not see the wound given to the deceased, but I afterwards saw the encounter between Mr. Nuttal and Mr. Gregory.

Mr. Taylor, a Clergyman. On the 21st of November I was sent for to pray by the deceased, and, after I had recommended him to the mercy of Almighty God, Mr. Nuttal desired me to ask him a few questions; but, as I thought it not belonging to my province, I declined it. Mr. Nuttal however, willing to have a witness to the words of a dying man, persuaded me to stay while he himself asked a question. And then, turning to the deceased, he said, *do you know from which of the gentlemen you received the wound?* The deceased answered, *from the shortest in black* (which was Mr. Savage) *the tallest commanded my sword, and the other stabbed me.*

Rowland Holdernefs, Watchman. I came to the room just after the wound was given, and then I heard the deceased say, *I was stabbed barbarously, before my sword was drawn.*

John Wilcox, another Watchman. I saw the deceased leaning his head upon his hand, and heard him then say, *I am a dead man, and was stabbed cowardly.*

Mr. Wilkey, Surgeon. I searched the wound, it was on the left side of the belly, as high as the navel. The sword had grazed on the kidney, and I believe that wound was the cause of his death.

Court. Do you think the deceased could have received that wound in a posture of defence?

Mr. Wilkey. I believe he could not, except he was left-handed.

The Prisoner's Defence.

Mr. Gregory said, that the reason of their going into that room, was for the benefit of the fire; that the table was thrown down accidentally; that the house bore an infamous character, and some of the witnesses lay under the imputation of being persons who had no regard to justice or morality.

Mr. Savage, having given the Court an account of his meeting with Gregory and Merchant, and going with them to Robinson's Coffee-house, made some remarks on what had been sworn by the witnesses, and declared, that his endeavouring to escape, was only to avoid the inclemencies of a Gaol.

Then the Prisoners called their Witnesses.

Henry Huggins, *Thomas Huggins*, and *Robert Fish* deposed, that they were present at the latter part of the quarrel, and saw *Mr. Nuttall* engaged with *Mr. Gregory*, and struggling with a sword. This only confirmed part of *Nuttall's*

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evidence. They added, that the Coffee-house was a house of ill fame.

Mary Stanly deposed, that she had seen the deceased in a quarrel, before *that* in which he was killed; that Mr. Nuttal and he were very well acquainted, and that she had seen Mrs. Nuttal and Mr. Leader in bed together.

John Pearse deposed, that Jane Leader told him, that, when the swords were drawn, she went out of the room, and did not see the wound given; that she was a woman of ill reputation, and that the Coffee-house had a bad character.

Daniel Boyle deposed, that the deceased bore the character of an idle person, who had no settled place of residence.

John Eaton deposed, that he had known the deceased about two months, and had heard that his character was but indifferent.

Mr. *Rainby* deposed, that, the morning after the accident, he went to the Coffee-house to enquire for Mr. Merchant, and then heard Mr. Nuttal say, that, if he had any of the prisoners in a convenient place, he would cut their throats, provided he could be sure of escaping the law.

Mr. *Cheeseborough* deposed to the same effect.

Mr. *Nuttal*. Being moved with the barbarous treatment my friend had met with, I believe I might say, that if I had them in an open field, I would not have recourse to the law, but do them justice myself.

Then Mr. Nuttal called some gentlemen, who deposed he was a man of reputation, civility and good manners.

Several persons of distinction appeared in behalf of the prisoners, and gave them the characters

acters of good-natured, quiet, peaceable men, and by no means inclinable to be quarrellsome.

And the prisoners then said, they hoped the good characters that had been given them; the suddenness of the unfortunate accident, and their having no premeditated malice, would entitle them to some favour.

The Court, having summed up the evidence, observed to the Jury, that as the deceased and his company were in possession of the room, if the prisoners were the aggressors by coming into that room, kicking down the table, and immediately thereupon drawing their swords without provocation, and the deceased retreated, was pursued, and killed in the manner as had been sworn by the witnesses, it was murder, not only in him who gave the wound, but in the others who aided and abetted him. That as to the characters of the prisoners, good character is of weight where the proof is doubtful, but flies up, when put in the scale against plain and positive evidence: and, as to the suddenness of the action; where there is a sudden quarrel, and a provocation is given by him who is killed, and where suddenly and mutually persons attack each other and fight, and one of them is killed in the heat of blood, it is manslaughter. But, where one is the aggressor, pursues the insult, and kills the person attacked, without any provocation, though on a sudden, the law implies malice, and it is murder.

The trial lasted about eight hours. The Jury found Richard Savage and James Gregory guilty of murder, and William Merchant guilty of manslaughter.

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On Monday, December 11, being the last day of the sessions, Richard Savage, and James Gregory, with four others capitally convicted, were brought again to the Bar, to receive sentence of death. And being severally asked (as is usual on such occasions) what they had to say, why judgment should not be passed upon them, Mr. Savage addressed himself to the Court in the following terms.

It is now, my Lord, too late to offer any thing by way of defence, or vindication; nor can we expect ought from your Lordships, in this Court, but the sentence which the law requires you as judges to pronounce against men in our calamitous condition. But we are also persuaded, that, as mere men, and out of the seat of rigorous justice, you are susceptible of the tender passions, and too humane not to commiserate the unhappy situation of those, whom the law sometimes perhaps---exact from you to pronounce upon. No doubt you distinguish between offences, which arise out of premeditation, and a disposition habitual to vice and immorality, and transgressions, which are the unhappy and unforeseen effects of a casual absence of reason, and sudden impulse of passion: we therefore hope, you will contribute all you can to an extension of that mercy, which the gentlemen of the Jury have been pleased to shew Mr. Merchant, who (allowing facts as sworn against us by the evidence) has led us into this calamity. I hope, this will not be construed as if we meant to reflect upon that gentleman, or remove any thing from us upon him, or, that we repine the more at our fate, because he has no participation of it; no, my Lord!

Lord! for my part, I declare, nothing could more soften my grief, than to be without any companion in so great a misfortune.

Mr. Merchant was burnt in the hand.

At the end of the next sessions, held the 20th of Jan. Richard Savage and James Gregory were admitted to bail, in order to their pleading the King's pardon. And, on the last day of the following sessions, being the 5th of March, 1727-8, they accordingly pleaded his Majesty's pardon, and their bail were discharged.

While the prisoners lay under sentence, a pamphlet was published, intituled, *the life of Mr. Richard Savage*; from which we have extracted the following interesting particulars.

--- His misfortunes may be said to be begun before his birth; for when his mother, the late Countess of M---, was big with child of him, she publicly declared, that the infant then in her womb, did not in the least appertain to her husband, but to another noble Earl; upon which my Lord M--- obtained a divorce from her in the House of Lords: his Lady had her fortune, which was very considerable, paid back again with full liberty of marrying whom she pleased, which liberty she made use of in a very short time. Her son, being thus bastardized, could not be born, as otherwise he would have been, a Lord by courtesy, and heir to the title of an English Earl, with one of the finest estates in the kingdom. The day of his birth was Jan. 10, 1697-8.

The scandal of this affair, which was in every one's mouth, induced the lady to resolve to remove from her sight, him who was innocently the occasion of her reproach, and committed

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him to the care of a poor woman, with orders to breed him up as her own, enjoining her never to let him come to the knowledge of his real parents. The nurse was faithful to her trust, and her name was the only one that, for many years, he knew he had any claim to, and was called by, although his father, the late Earl Rivers, was one of his godfathers, and had his right name regularly registered in the parish books of St. Andrews, Holborn.

He was sent to a Grammar School at St. Alban's; while there, the Earl Rivers died, who had several times made enquiry after him, but could never get any satisfactory account. And when on his death-bed he more strenuously demanded to know what was become of him, in order to make him partaker in that very handsome estate he left among his natural children, he was positively told he was dead.

When he was about fifteen, he was solicited to be bound apprentice to a shoemaker, which proposal he rejected with scorn; for he had now by the death of his nurse, discovered some letters of his grandmother's, and, by those means, the whole contrivance that had been carried on to conceal his birth. And being now entirely destitute of every the least necessary of life, to whom was it so natural to apply as to his mother? but the mother would, upon no terms, endure the sight of her son; the son, on all occasions, expressing his affection for his mother, and the strong desire he had of seeing her.

Being thus abandoned, without any other friend but his own genius to support him, he threw himself upon the barren and unthriving province of poetry.

He

He wrote several poems, and two pieces for the stage, one a Comedy, and the other a Tragedy, by which he gained some credit, but very little money. However, they procured him some friends, particularly Mr. Wilks, and Aaron Hill, Esq. by whose assistance he was enabled to make a tolerable figure.

The following Copy of verses, which he wrote while under Confinement, may serve as a Specimen of his poetical talent.

Hopeless, abandon'd, aimless, and oppress'd,
Lost to delight, and every way distress'd,
Cross his cold bed, in wild disorder thrown,
Thus sigh'd *Alexis*, friendless, and alone.---
Why do I breathe? what joy can *being* give,
When she who gave me life, forgets I live?
Feels not these Wintry blasts, nor heeds my
smart,

But shuts me from the shelter of her heart.
Saw me expos'd to want! to shame! to scorn!
To ills!---which makes it misery to be born!
Cast me regardless, on the world's bleak
wild;

And bade me be a wretch, while yet a child!
Where can he hope for pity, peace, or rest,
Who moves no softness in a mother's breast?
Custom, law, reason, *all* my cause forsake,
And nature sleeps, to keep my woes awake;
Crimes, which the *cruel* scarce believe can be,
The kind are guilty of to ruin me!
Even she who bore me, blasts me with her
hate,

And meant my fortune, makes herself my fate;
Yet

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Yet has this sweet neglecter of my woes
 The softest, tend'rest breast that pity knows!
 Her eyes shed mercy, wheresoe'er they shine,
 And her soul melts at every woe but mine.
 Sure then some secret fate, for guilt unwill'd,
 Some sentence pre-ordained to be fulfill'd:
 Plung'd me thus deep in sorrow's searching
 flood,
 And wash'd me from the mem'ry of her blood.
 But Oh! whatever cause has mov'd her hate,
 Let me but sigh in silence at my fate.
 The God *within*, perhaps, may touch her
 breast;
 And when she pities, who can be distressed?

But to come to the dismal cause of his present condition. Having for some time had a lodging at Richmond for the benefit of the air, and the conveniencies of his study, he came to town on Monday the 20th of November last; in order to pay off another he had in Queen-street, Westminster, thinking the expence too great to keep them both; and, falling into company with Mr. Merchant and Mr. Gregory, they all went together to a Coffee-house; near his old lodging, where they drank till pretty late in the evening. Mr. Savage would willingly have got a bed at the Coffee-house for that night, but there not being a conveniency for himself and company both, they went away from thence with a resolution to waste time as well as they could till morning, when they propos'd to go together to Richmond. In their walks seeing a light in Robinson's Coffee-house, they thought that a place proper to entertain them, tho' Mr. Savage protested he was entirely ignorant of the character,

ter of the house, and had never been there before. What was the consequence of their going in there, we have already seen.

The Coroner's inquest, having sat upon the body of Mr. Sinclair, did not finish their enquiry at their first meeting, but adjourned till the Tuesday following, and then brought in their verdict manslaughter.

*The Trial of FRANCIS CHARTERIS, Esq.
for a Rape.*

ON Wednesday, Feb. 25, 1729-30, Counsellor Strange moved the Court in the Old Bailey, that Col. Francis Charteris might be permitted to surrender himself the day following to take his trial, on an indictment preferred against him by Ann Bond, for committing a rape on her body. The Court granting the motion, he surrendered accordingly, and was brought to the Bar and arraigned.

FRANCIS CHARTERIS, of St. George, Hanover Square, Esq. was indicted, for that he, not having the fear of God before his eyes, but being moved by the instigation of the Devil, did, on the 10th of November last, ravish and carnally know, Ann Bond, Spinster, against the peace of our Sovereign Lord the King, and against the statute, &c. To which he pleaded, Not Guilty.

The Council having amply set forth the manner and nature of the offence, they supported the charge by the following evidence.

Ann

Ann Bond deposed, that being out of place, and having been ill, she happened to be sitting on a bench at her lodgings, and a woman, whom she knew not, took an occasion to enter into conversation with her, and asked her, if she wanted a place, telling her she was very serviceable in helping servants to places; she replying she would willingly embrace a good service, she told her she could help her to a very good one, which was to one Colonel Harvey; that accordingly she went, and was hired, and did not know for three days, but that the prisoner's name was Harvey. That for the first three days she was treated well, that he sent his footman with her, and he redeemed some cloaths she had been obliged to pawn; and he had also money, and orders given him to buy some linen, which, when she came home, the prisoner said she should have; but she refused to take it, saying, she had no occasion for it. That after three days he began to solicit her to let him lie with her, offering her a purse of gold, telling her he would give her a great many fine cloaths, get her a good husband, would give her a house, having a great many, if she would go to bed with him: that she told him she would take none of his money on any account: that she came not thither for any such purpose; that if she did not do his work to his mind, he might turn her away. That afterwards she hearing one coming to the house, and enquiring for Col. Charteris, she spoke to the house-keeper, telling her, she thought her master's name had been Harvey; that she had heard a bad character of Col. Charteris, and was not well, and must go away.

She

She added: when I offered to go away, he threatened my life, and I was kept in, and not permitted to go out of the house, the door being kept locked, and, if the clerk of the kitchen went out, the house-keeper or the butler had the key, so that I never could get out after the three or four first days.

Being asked, what time she went to live with the prisoner? she answered, about the 14th of October, and came away the 10th of November.

That on the 10th of November the Colonel rung a bell, and bid the clerk of the kitchen call the Lancashire bitch into the dining-room. That she going in, he bid her stir the fire; while she was doing it, he locked the door, and took her and threw her down on the couch, which was nigh the fire, in the farther corner of the room, and forced her down with violence, and lay with her; that she strove what she could, and cried out as loud as she could, and he took off his night-cap, and thrust it into her mouth, and then had carnal knowledge of her.

Being told by the Court she must speak plain, and tell the naked truth, that the law required it; and being asked, whether the prisoner had his cloaths on? she replied, he was in his night-gown. Being asked, whether she had not her petticoats on? she replied, yes; but he took them up, and held her down upon the couch. Being asked, whether she was sure, and how she knew he had carnal knowledge of her? she replied, she was sure he had, and that he laid himself down upon her, and entered her body. She was also asked, how it was afterwards? she replied, that there was a great deal of wet. That

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That she afterwards told him, she would certainly prosecute him for the injury she had received from him, and take all lawful methods to do herself justice; that he endeavoured to pacify her with promises of a great many fine cloaths, &c. if she would hold her tongue, and say nothing of it; but she would accept of none of his offers. She added, that then he called her Brimstone Bitch, and cursed and swore, and threatened he would beat her to death. And, about an hour after he had lain with her, he took a horse-whip, and beat her very much; and also beat her with the great end of it; and no servant came, till he opened the door; then the clerk of the kitchen came up, and he bid him take all she had, and turn the Brimstone-Bitch out of doors: that being got out of doors, she went to a gentlewoman, and made her complaint, and desired her to go with her to get her cloaths; and when they came and demanded them, he bid them turn the Bitches out, and pretended I had robbed him of thirty guineas, and sometimes he said twenty.

Being asked, if she complained of the Colonel's usage of her? she said, she did, to Mrs. Parsons, that very day, and she acquainted Mr. Blis with it, and that she preferred the bill of indictment against the prisoner; that it was drawn, at first, for an assault, with an intent to ravish; and, that the foreman and jury, upon some questions they put to her, said, it was not an intent, but it was fact, and so the indictment was altered.

The prisoner being informed, that now the prosecutor having given her evidence against him, he was at liberty to ask her what Questions

tions he pleased; and he put the following questions.

Prisoner. Did not you live at Cockeram? did you never see me in Lancashire, at Cockeram? did not you bring me a letter?---to all which she answered in the negative.

Prisoner. If I don't prove it I will be hanged. Did not you know the whole lordship was mine? to which she answered, no.

Prisoner. Did you never lie in bed with your master?

Prosecutor. No: I was in the truckle-bed one night, when she, who was my bed-fellow, lay with you, and you called me to come to bed to you; you said, you Lancashire Bitch, come to bed to me, and lie on the other side of me, that I might lie in state; this was the fifth night; and I slept on my gown and went down stairs, and sat there all night; and I was told, you had ordered I should have no bed; I was not willing to lie there at all; but was told, you was ill, and I must; the servants had all sat up.

Prisoner. Did not you lie in the truckle-bed a-nights?

Prosecutor. I did lie four nights in the Colonel's room, with a maid.

Prisoner. Did not you bring my breeches, with fifty guineas, that day you said you was ravished? did not you lie, the night before your pretended ravishment, in the truckle-bed? Did not you throw the snuff-box, with a guinea, behind the grate, when you were called up? to most of which the prosecutor answered in the negative: adding, I was called up, and there were two gentlemen with you, and you said you had got a pretty Lancashire Bitch; and the

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gentlemen gave me each of them half a guinea.

Prisoner. Did you tell my servants that you had met with bad usage?

Prosecutor. I complained to every servant, that I had bad usage.

Prisoner. What was the bad usage?

Prosecutor. In being ravished and horse-whipped.

Prisoner. Did not you accept of a snuff-box?

Prosecutor. That was given me the second day after I came; I said I did not want it, I would not have it; you said I should have it; keep it in your pocket, if it be lost, you shall be answerable for it.

Prisoner. Did you complain to a magistrate the very day you pretended to be ravished?

Prosecutor. I applied to Mrs. Parsons, and she acquainted Mr. Bliss, and the Lord Chief-Justice's warrant was taken out.

Prisoner. Did not you bring the chamber-pot, and hold it, and take my member out of my breeches?

Prosecutor. No.

Prisoner. Did not you tell some of the family that since I had so much silver I should have my instrument tipped, for it would not please a woman?

Prosecutor. No.

Mary Parsons, the prosecutor's evidence, being called, was asked, when Ann Bond came to her, and made her complaint? she answered, it was the 10th or 11th of November she came to her in a very great surprise, said, the Colonel had used her very ill, and that that morning he

he had forced her against her inclination, and she was beat cross the shoulders and back, and that he had taken all her cloaths from her; that she went with her to demand her cloaths, and the prisoner bid his servants turn the bitches out of doors. Then I told her I would have her to a gentleman who would do her justice, and this was Mr. Blifs. Being asked, if she told her when she first came to her, that the Colonel had ravished her? Mrs. Parsons replied, she said, he lay with her against her inclination.

The next evidence for the prosecutor, was Mr. Blifs, who deposed, that about the 10th or 12th of November, to the best of his memory, the prosecutor told him, she had lived with Col. Charteris; that she thought she had gone to live with one Col. Harvey; that he had treated her very handsomely for two or three days; that he sent a servant to fetch home some of her cloaths that she had pawned, and ordered him to buy some linen; that she refused to have it; that she had been whipped both before the rape and after it; that the Colonel pretended to be very ill, and she was ordered to lie in a truckle-bed in his chamber, and was constrained to lie in his room. That the 5th night he called her Lancashire-Bitch; that she kept her petticoats on; that about two o'clock he called her up, and horse-whipped her, telling her, she should obey his commands, that was what she deserved and must expect. That on the 17th day of her being there, she was called up, that the Colonel locked the door, forced her to the remotest part of the room, threw her down on the couch, and forced her body; that she cried out as loud as she could, and he took his night-cap and thrust

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thrust it into her mouth, and had carnal knowledge of her body. That she asked, if she had not best apply to a justice? that he told her, the Quarter-Sessions was near, and he thought that would be the best way; and, when she came to the Grand Jury, they told her, that this was not an intent, but the fact; and the foreman of the Grand Jury, ordered two to go to Mr. Lindon, and the indictment was drawn accordingly; and one of the Grand Jury said, the Colonel had attempted his sister; that they went to get a certificate, but could not get it that night; that he told one Mr. Harrison of it, and (as he was informed) acquainted the Colonel, and the Colonel went out of town the next morning.

Sarah Colley deposed, that she washed for one of the prisoner's servants, and he seeing her asked her, if she knew of any likely country girls, that she could send for to town? but not to mention his name, and that he ordered her to go to the Crown and Wheat Sheaf on Ludgate-hill, and to bring one Mrs. Betty to him; but not to mention his name, and he would give her a guinea.

The prosecutor having gone through her evidence, the prisoner's witnesses were called.

Mr. Gordon being asked what he knew about the bringing a letter? answered, that Ann Bond came, and said, she had sent in a letter to your honour, and waited for an answer; that he (this evidence) came into the parlour, when Mr. Irving was reading the letter.

Gordon being asked by the prisoner, what he knew more of Ann Bond? he replied, you rose
very

very early that morning she went away, she brought you your breeches, and held them while you put your leg into them. This was about two o'clock in the morning.

Q. Where was this?

A. The Colonel was sitting in the parlour, they brought some tea, and he went to bed again, about four, rose again, went out about six, and came home at ten.

Q. What colour were the breeches of that Ann Bond brought?

A. I think they were brown cloth breeches, and then the Colonel missed his money; I was ordered to bring up the woman that lay with him that night; that he went to call Mrs. Bond, but she did not follow him, but ran to the house of office, that he followed her, that she did not stay there to do any thing, no longer than she could go to it, and come back again; that then she ran to the bed-chamber, and was doing something under the fire, and he looked under the grate, and found a little steel box, with a guinea in it.

Prisoner. Were not several of my servants in the outer hall?

Gordon. I think it was about ten o'clock when the Colonel called for Mrs. Bond, and challenged her with the money.

Question. Where did Ann Bond die?

Answer. She lay in the truckle-bed all the time she lived with you, and Mary White lay with her only two nights.

Question. What did she say about her treatment?

A. She said you were very kind; but since you were a man of money, you should have

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your instrument silvered, for it was not able to please a woman.

Q. Where did she say this?

A. In the kitchen, amongst all the men and women servants, and they laughed at it.

Prisoner. Where were you from the time I got up till I went out?

Gordon. In the hall upon the same floor with the rest of the servants.

Prisoner. Did you hear any noise?

Gordon. No.

Mr. Irving deposed, that the Sunday before his Majesty's birth-day, he was with the Colonel, and his servant brought in a letter, and said it came from a woman; the Colonel bid him open and read it, he believed it came from a whore, and he made no secret of those matters; that he bid the woman be called in, and Mrs. Bond came in, in a riding-hood; the Colonel called for tea, and asked her when she came out of the Country? that she replied, about three weeks ago. That he was desired to step out, and then was called in again, and she was sitting in the chair, where he left her; and another gentleman coming in, the Colonel said, Nanny, go down into the kitchen amongst the servants, and when I want you, I will call for you; that the Colonel said he knew her at Cockeram, that she pretended to be a very modest girl, but one of the servants where she had lived, had lain with her.

The prosecutor being asked, whether *Mr. Irving* was in the room, when she went to the Colonel's to be hired? she replied, no, he was not in the room.

Mr.

Mr. Irving being asked, whether he heard any discourse between the prosecutor and the prisoner, about the letter? he answered, no.

The prosecutor being asked, concerning her bringing a letter to the Colonel, she denied that she sent or brought any letter.

John Gourley, one of the prisoner's servants, deposed, that he was in the room with his master and Mr. Irving, when he brought a letter, and he went down, and Ann Bond was standing at the door, and she said to him, I know you very well, I have seen you at my sister's house at Cockeram.

Q. What day was this?

A. It was on Sunday, a little before the King's birth-day; and that the next day he went out with her, with money to fetch her cloaths out of pawn, and he asked her of several persons in the country; that he did this for fear she was a bite; but he found she knew them.

Ann Bond being asked, whether she came to the Colonel on a Sunday? she replied, no, it was on a Monday.

Gourley being shewn the letter, was asked, if he knew any thing of that letter? answered, he did believe it to be the same letter. That it lay open upon the table, and that he took it up, and read it, and put it in his pocket, and put it out of his pocket among some other papers, when he was going to Flanders, some days after.

Mr. Irving being shewn the letter, was asked, if that was the letter he read at the Colonel's? answered, he did believe it to be the same letter; and, pointing to the prosecutor, said, this is the woman that was brought in by the servant, upon
reading

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reading the letter. Then the prosecutor, being asked, whether Mr Irving was present, when she came to the Colonel's? she said, no. Then being asked, if she knew him? she said yes; I have seen him frequently.

This letter being shewn to Ann Bond, she was asked, if she did not bring that letter to the Colonel's? she answered, no; she looked upon it some time, and said, she could not read it. And being asked, if she could write? answered, yes, a little; and being bid to write, took a pen and wrote her name; but the hands were not alike. But the letter being proved by Mr. Irving and Mr. Gourley, to be brought by her, was read, and is as follows.

Hon. Sir,

Wednesday night.

I understand you are in town, if your Honour pleases, I should be glad to wait on you: I came from Cockeram in Lancashire; I came the next door to Mr. Jones, and should be proud to wait on you, if your Honour pleases to give me that liberty. Pray pardon this freedom, I am, with submission, and the greatest respect, your humble servant to command,

Ann Bond.

I wait at your door for an answer.

James Davis being called, the prisoner desired he might be asked, whether he had not seen the prosecutor in the naked bed with him? he replied, yes, and that she lay every night in his master's room. He being asked, when he came to live with the prisoner? he said, on the 4th of November, and that he had seen her in the naked bed with his master; and that he afterwards asking her, if she was not ashamed to lie with

with her master? she replied, no, for it was what she was used to. He being asked, what time it was that he had seen the prosecutor in bed with his master? he answered, it was the next morning after he came there: and being asked, how he came to see it? he answered, that hearing the bell ring, he opened the door without knocking, and went in, and saw her in bed with him. Being asked, what business he had to go into his master's chamber without knocking, and being but just come was a stranger? and, whether or not, it was not saucy and impudent in him to do so? after some pause, he replied, he had a mind to lie with her himself, and having heard that his master loved a pretty girl, he suspected she lay with him, and so he took that opportunity to satisfy himself.

Hannah Lipscombe being called, the prisoner desired she might be asked, how often she had seen the prosecutor in bed with him? she answered, that the first night she lay in the truckle-bed, and the second she lay with her master. Being asked how she knew it? she answered, she saw her in bed with her master, in the morning when she came to light the fire. It was also desired, that this evidence might be asked, what the prosecutor had said concerning the prisoner's private member? she replied, that she said, his member was worn out, and since he had so much silver, it ought to be tipped. This evidence being asked, if she knew what lying in state was? she declining to answer, was pressed to it, upon which she replied, that she had indeed heard from vulgar.

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vulgar people, that it was for a man to lie with three women at once.

Robert Vaux deposed, that on the first of November, Col. Charteris's Groom came to him, to come to his master at five o'clock in the morning, that he went into the Colonel's chamber, and Ann Bond was in bed with him, that the servant, opening the door, he went in, and she turning aside the bedcloths, put her legs out of the bed, came out in her shift, took up her cloaths under her arm, and dropping him a curtesy as she passed by, went into another room to dress her. He added, that he was at the Colonel's several times, and she was very familiar with him, and that he asked her, how she liked him? she answered, her master was very kind to her; that he asked her concerning his performances, and she said, upon her word, he was incapable to serve a woman. Being asked by the Council, what he was? he answered, he was a saddler, and had made the Colonel some saddles. He was likewise asked, what urgent business it was, that should bring him there to disturb a gentleman so early in the morning? he replied, that one of the Colonel's horses had broke his halter. Upon which we was asked, if he could not have fitted his horse with a halter, without disturbing the Colonel himself? to which he replied, the Colonel had often struck out articles in his bill, for want of verbal orders.

Thomas Cooper deposed, that he had been in Flanders, and upon his arrival at Dover, a messenger came to him, to come to the Colonel: so he rode post, and came to the Colonel's house, and lay there; and being called up in the morning

by

by his servants, he went into the Colonel's bed chamber, and there he saw the prosecutor sitting upright in his bed with her petticoats about her; and he withdrew, that she might dress herself. Being asked, what time this was? he replied, it was on a Thursday. Being asked, what Thursday? he said in October, he could not be exact as to the day of the month, without he had his Journal; but he knew he came from Flanders the beginning of October, the first or second, and that he was about twelve hours in his passage to Dover; that the message came to him on Tuesday; that on Wednesday he arrived in London, lay at the Colonel's, and the next morning, which was Thursday, he saw the prosecutor in bed with the Colonel.

The Council for the prosecutor observed, that this evidence, swore to 18 or 19 days before she came to the Colonel's house. Being asked, if he was certain as to the time? he then replied, no, he did not know what questions he should be asked, had not brought his journal, and therefore could not be certain as to the time.

Mary White deposed, that the morning Mrs. Bond went away, she brought the Colonel's breeches to him about two of the clock; that the Colonel went out at six, and returned at ten, and missed his money; and then ordered Mr. Gordon to call up Ann Bond, and said, that it must be either herself (the evidence) or she, that took it, there being nobody else in the room, and desired Ann Bond to own it, telling her, if she would, he would not send word down into the country; that she said, she could not own

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own what she knew nothing of; and the Colonel ordered her cloaths to be kept, and herself to be turned out of doors: being asked, what time the Colonel said he missed his money? she said, she believed he said, it was between eight and nine o'clock. Being asked, where she was from the time the Colonel got up, to the time he went out? she said, in the hall, upon the same floor. Being also asked, if she heard the prosecutor cry out? she answered, no. Being asked, of what colour the Colonel's breeches were, that Ann Bond was said to bring to him? she answered, black, as she thought.

Mr. Hamilton deposed, that he came to the Colonel's to put up some curtains (he being an Upholder) that this was about nine o'clock, and the Colonel said, he missed some money; that he had fifty guineas in his pocket last night, and he had lost twenty of them, and bid Mr. Gordon call all the servants up, and that he (this evidence) saw a shilling lying upon the couch.

The prosecutor called the following persons to her character.

Mr. Bell deposed, that Ann Bond had lived with him about a year, and, during that time she behaved herself very honestly and modestly, and that he takes her to be as honest and modest a young woman as ever came into a family; that she came to him the beginning of July 1727, and also, that she behaved herself very religiously, and when at any time she could not go to church, she always had some good book in her hand.

Mrs. Bell deposed, that she knew the prosecutor in the country, and had brought her out of Lancashire from her friends, and that she

was always very modest and honest; that she never perceived the least immodesty by her in her life, and she did believe her to be a very honest, modest girl; and being asked, if she thought she would forswear herself, to take a man's life away? she answered, No.

Mr. Harwood deposed, she lived with him, at Clapham, nine months, and behaved very well during that time; and the reason she went from him was, because she could not bear the rudeness of some watermen. That she behaved very modestly and soberly, and kept her church very constantly, and he did believe her to be a very modest, sober young woman, that would by no means forswear herself to take away a man's life: that she went from him to Mr. Allen, and there also behaved very modestly and honestly, and he believed he would have been here, had he not been hindered by illness; she came from thence not for any misbehaviour, but by reason of other matters that were not agreeable to her.

The Jury, after a full hearing, brought in their verdict Guilty. *Death.*

About this time there was published a fine metzotinto print of Col. Francisco, standing at the bar, with his thumbs tied, and under the picture, these verses.

*Blood! must a Colonel, with a Lord's estate,
Be thus obnoxious to a scoundrel's fate!
Brought to the bar, and sentenc'd from the bench,
Only for ravishing a country wench?
Shall men of honour meet no more respect?
Shall their diversions thus by law be check'd?
Shall they be accountable to saucy furies
For this or t'other pleasure? hell and furies!*

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*What man thro' villainies would run a course,
And ruin families without remorse,
To heap up riches,---If, when all was done,
An ignominious death he cannot shun?*

Edinburgh, Feb. 29, 1731-2. On the 24th died Col. Charteris, of Amsfield, Esq. in his 57th year; descended from an antient and honourable family in this country. He married Mrs. Helen Swinton, daughter of Sir Alexander Swinton, by whom he had one daughter, married to the Rt. Hon. the Earl of Weems, to whose second son he has left the bulk of his plentiful estate, and great portions to all the other children; with several legacies to friends and relations.

By the intercession of the said Earl, and other friends, he obtained a pardon, having first made a handsome settlement on the said Ann Bond for life.

E P I T A P H.

Here lies the Body of Colonel
DON FRANCISCO;
Who with an inflexible constancy,
And inimitable uniformity of life
Persisted, in spite of age and infirmity,
In the practice of every humane vice,
Excepting prodigality and hypocrisy;
His indefatigable avarice
Exempting him from the first,
And his matchless impudence
From the latter.

Nor was he more singular
In that undeviating viciousness of life,
Than

Than successful in accumulating wealth;
Having
Without trust of public money, bribe,
Worth, service, trade, or profession,
Acquired, or rather created
a ministerial estate.

Among the singularities of his life and fortune
Be it likewise commemorated,
That he was the only person in his time,
Who would cheat without the mask of honesty;
Who could retain his primæval meanness
After being possessed of 10,000 pounds a year,
And who, having done, every day of his life,
Something worthy of a gibbet,
Was once condemned to one
For what he had not done.
Think not, indignant reader,
His life useless to mankind:

PROVIDENCE

Favoured, or rather connived at,
His execrable designs,
That he might remain
To this and future ages,
A conspicuous proof and example
Of how small estimation
Exorbitant Wealth is held in the sight
of the ALMIGHTY,
By his bestowing it on
The most unworthy
Of all the descendants
of *Adam.*

*The Trial, Behaviour, and Confession of
SARAH MALCOLM, convicted of Murder.*

SARAH MALCOLM, was indicted for the murder of Ann Price, Spinster, by wilfully and maliciously giving her with a knife one mortal wound on the throat, of the length of two inches, and the depth of one inch, on the 4th of Feb. 1733, of which wound she instantly died.

She was a second time indicted for the murder of Elizabeth Harrison, Spinster, by strangling and choaking her with a cord, on the said 4th of February, of which she instantly died.

She was a third time indicted for the murder of Lydia Duncomb, widow, by strangling and choaking her with a cord, on the said 4th of February, of which she instantly died.

She was again indicted for breaking and entering the dwelling-house of Lydia Duncomb, widow, and stealing 20 moidores, 18 guineas, one broad piece, val. 25s. four broad pieces, val. 23s. each, one half broad-piece, val. 11s. 6d, 25s in silver, a silver tankard, val. 40s. a canvas bag, val. 1s. and two smocks, val. 12s. on the said 4th of Feb. about the hour of two in the morning of the same day.

To all which indictments she pleaded, Not Guilty.

The council, having opened the indictment, called the following witnesses.

John Kerrel. The prisoner has been my Laundress about a quarter of a year. She was recommended

mended to me as an honest woman, by a gentleman in the Temple. On Sunday the 4th of this month, as I returned from commons, I met Mr. Gehagan, and going with him thro' Tanfield court, we found a mob there, and enquiring what was the matter, we were told of the murders that had been committed. Says Mr. Gehagan, *this Mrs. Duncomb was your Sarah's (the prisoner's) acquaintance.* We went forward to the Coffee-house in Covent-garden; there we heard several discoursing about these murders, and it was the general opinion, that they must have been committed by some Laundress, who was acquainted with the chambers. From thence we went to the Horse-shoe and Magpye in Essex-street, where we staid till one in the morning, and then returned home. I found my door open, and the prisoner in the room. So, Sarah, says I, *are you here at this time of the morning? you knew Mrs. Duncomb; have you heard of any body that is taken up for the murder?* no, said she, *but a gentleman who had chambers under her, has been absent two or three days, and he is suspected.* Says I, *nobody that was acquainted with Mrs. Duncomb, shall be here, till the murderer is found out; and therefore look up your things and get away.* In the mean time Mr. Gehagan went down to call the watch, but he could not find the door readily, and so he came up again, and I went down to call two watchmen, and brought them up, and I found her turning over some linen in my drawers. I asked her who it belonged to? she said it was her own. I went into the closet, and missing my waistcoats, I asked her what she had done with them? she called me aside, and said she had pawned them at Mr. Wil-

liams's, in Drury-lane, for two guineas, and prayed me not to be angry. I told her I was not so angry on that account, but I suspected she was concerned in the murder. The next thing I took notice of was, a bundle lying on the ground. I asked her what it was? she said, it was *her gown*. - *And what's in it, says I? why, linen,* says she, *that is not proper for men to see;* and so I did not offer to open it. I searched farther, and missed several things of my own, and found other things that did not belong to me, and then I charged the watch with her, and bid them take her away, and take care of her. When she was gone, I found another bundle in my bed-chamber; upon this, I called to Mr. Gehagan and shewed it him; whereupon we resolved to make a thorough search, and so I looked in the close-stool, where we found some more linen, and a pint silver tankard, with a bloody handle. We then went to one of the watchmen again, and, he said, he had let her go, upon her promising to come again at ten o'clock in the morning. I bid him find her out by all means. He shipped to his brother watchman at the gate, and they went and brought her to me. I shewed her the bloody tankard and linen, and asked her if they were hers? she said, yes, they were left her by her mother. I asked her, how the handle of the tankard came to be bloody? she said, she had cut her finger; and as for the linen, she said, it was not blood upon it, but a disorder.

Council. What kind of linnen was it? did you open the bundle?

Kerrel. I opened that which I found in my bed-chamber; but my confusion was so great, that I don't know whether it was shifts or aprons

aprons. She told me the tankard had been in pawn, and that she had pawned my waistcoats to redeem it. The watchman carried her to the Watch-house, and there they found a green silk purse, with twenty one counters, in her bosom.

Court. Are you positive, that she owned the tankard and linnen to be hers?

Kerrel. Yes; but the linen in her gown was left unopened, till after she was sent to the Watch-house.

Prisoner. Was the linen you found in the close-stool bloody?

Kerrel. I am not sure whether it was that, or the linen that was found under my bed that was bloody, for I was very much surprized, and I brought the one parcel down, and Mr. Gehagan brought another, and we threw them down in the watchman's box, and so they were mixed together.

Court. Shew the tankard to the Jury, and unseal the linen, and let them see that too, and the other things.

Kerrel. This is the green silk purse, that was found upon her in the Watch-house; she said, she found it in the street; but somebody taking notice it was clean, she said, she had washed it since. This is the gown that some of the linen was wrapp'd in, and this is the bloody apron that was found under my bed, and which, she said, was not bloody, but marks of a disorder.

Prisoner. Was the linen wet or dry?

Kerrel. I can't say which, but it was bloody.

Prisoner. Did you take it up?

Kerrel.

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Kerrel. I took up that under the bed, and in the close-stool. The clean linen that was in the drawers she took out herself, and the watchman afterwards fetched away that which was in the gown.

Prisoner. Was the gown bloody, or the shift bloody in the sleeves or bosom, or any where but in the lower part?

Kerrel. I cannot say.

Court. Is the shift here?

Kerrel. Yes.

Court. Produce it then, and let somebody look on it.

Ann Oliphant, looking on it, I think here's a little blood on the upper part of the bosom.

Prisoner. Upon your oath, is it blood or a stain?

Ann Oliphant. I cannot be positive; but it seems like the rest.

Prisoner to Mr. Kerrel. Did you suspect me on account of finding me in your chambers so late on Sunday night, or was it because you saw me counting money there on Sunday morning?

Kerrel. I saw no money that you had on Sunday morning. I suspected nothing of you, till I found you so late in my chambers.

Prisoner. Swear him if he did not see me counting money in the morning, or if he did not count it after me.

Kerrel. No, I did not.

Prisoner. Did not you count 90 l. in your own bed after me?

Kerrel. No, I say, I know nothing of it. If you had so much money you might have fetched my things out of pawn.

Prisoner.

Prisoner. What! did you not reckon how many broad-pieces and moidores, and how much silver there was?

Kerrel. No; if I had, I should have suspected you afterwards; but I had not then heard of the murder, for it was not known till two in the afternoon, and after I had heard it I went to the Coffee-house, and did not return home till one o'clock on Monday morning. If I had seen you have so much money on Sunday morning, I should have had such a suspicion of you, when I first heard of the murder, that I should have come home directly.

Prisoner. 'Tis hard, that he will deny, upon his oath, what he did with his own hands.

Court. What time in the morning was this?

Prisoner. About nine o'clock; and he asked me where I had it? and I told him, from some relations in the country.

Court. What time did she come to your chambers?

Kerrel. About nine in the morning: I sent her for some tea. Mr. Gehagan breakfasted with me, and she staid till about ten o'clock, when the horn sounded for Commons.

Council. There was, you say, clean linen taken out of the drawers: was there any blood upon it?

Kerrel. No, I should have seized her presently, if I had found any blood, before she went a way first.

Council. Did she own that clean linen to be hers too?

Kerrel. Yes.

John Gehagan. I have chambers over the Alienation Office, three pair of stairs high.
Mine

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Mine are on the left-hand, and Mr. Kerrel's on the right; we are very intimate together. On Sunday morning, the 4th of Feb. I rose about eight o'clock, and saw Mr. Kerrel's door shut. About nine, the prisoner came up and opened his door, and went in, and it was not ten minutes before he came to my bed-side, and, says he, *you was a good advocate for me last night, and I will give you a breakfast.* He gave her a shilling to fetch some tea; she made it, and staid till the horn blew for Commons. And after Commons, he and I went out together. Going through Tanfield Court, we found a mob there, and seeing Mr. Clark, a writer, we asked what was the matter? he told us of the murder, and said to Mr. Kerrel, this is your laundress's acquaintance. We went to a Coffee-house in Covent-Garden, where some gentlemen, talking about the murder, said, they should suspect some of the laundresses. We staid there till eight, and then went to the Horse-shoe and Magpye in Essex-street, where we staid till one in the morning, and then going home, we found his door open, a fire and candle in the room, and the prisoner standing by the fire-side. Says Mr. Kerrel, Sarah, this Mrs. Duncomb was one of your acquaintance, have you heard of any body's being taken up for the murder? she said, that one Mr. Knight, who had chambers under Mrs. Duncomb's, was suspected. Well, says Mr. Kerrel, *I'll have nobody stay in my room, that was acquainted with Mrs. Duncomb.* I went down to call the watch, but there being a double door to the Alienation Office, I fumbled, and could not get it open, so he came down and brought the watch up.

He

He missed his waistcoats, and asked where they were? she desired him to let her speak a word with him in private: he said, *no, I have no business with you that needs to be made a secret of.* Then she told him they were pawned. He picked a bundle that lay in the closet, and asked her what it was? she said, it was an old gown of hers, with a shift and apron in it; but it was a very indecent sight for a man to see, and therefore desired him not to look into it, and so he put it aside again. Then the watch took her down, and when she was gone he looked under his bed, and found another bundle. *Zounds,* says he, *here's another bundle of linen that this bitch has left behind her;* and looking farther, he found the linen and the bloody tankard in the close-stool. We went down together, and he called to the watch, and asked him where the woman was? the watchman said, he had let her go. *You dog,* says Mr. Kerrel, *go and find her again, or I'll send you to Newgate.* The watchman soon met with her, and brought her to us. *You bloody murdering bitch you,* says I, *was it not enough to rob the people, and be damned to you, but you must murder them too? I'll see you hanged, you bitch! you bloody bitch you.* So I shewed her the tankard, and she began to wipe the handle with her apron; but says I, *no, you bloody bitch, you shan't wipe it off;* she said, it was her own, and that her mother gave it her, and that she had fetched it out of pawn, where it had lain for thirty shillings. "You bloody bitch you," says I, *your mother was never worth such a tankard."* I had much ado to keep my hands off the bitch,

Court.

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Court. How came you to know, that the prisoner was acquainted with Mrs Duncomb?

Gehagan. She told me so herself.

Court. Did you see the linen that was taken out of the close-stool?

Gehagan. Mr. Kerrel gave me that linen and the tankard, and I carried them down. I saw this bloody apron and bloody smock taken out of the gown. The bundle was in the closet when Mr. Kerrel missed his waistcoats, but it was not opened then; the watchman fetched it away afterwards.

Prisoner. Was the blood on the tankard dry?

Gehagan. It appeared then to be fresh.

Prisoner. Was the blood on the shift or apron wet or dry?

Gehagan. I don't know certainly.

Prisoner. Who took the shift up?

Gehagan. I had it in my hand; the blood on it was like that on the tankard, which I thought was wet.

Prisoner. It had been folded up ever since till now, and if it was wet then it must be damp still, if no air has come to it.---Was the linen in the close-stool bloody, and what linen was it?

Gehagan. I don't know what linen it was, nor whether it was bloody or no.

Prisoner. Was the linen in the gown delivered to me before I went to the watch-house?

Gehagan. No; on her saying it was indecent it was left, but the watchman came afterwards and said, the Constable thought it necessary to have the smock and apron.

Prisoner. What gown had I on?

Gehagan. I don't know.

Prisoner.

Prisoner. I would ask Mr. Kerrel the same question.

Kerrel. You came up in that blue riding-hood you have on now, but I did not mind what gown.

Prisoner. Had I any blood on my cloaths, or was I clean dressed?

Court. Why, it was Monday morning when you was taken; you had 24 hours to shift your cloaths.

Prisoner. Had I shifted myself with clean linen?

Kerrel. I dont know, I did not observe.

John Maistreter. I was on my watch in the Temple that night the murder was done; and nothing passed but gentlemen going to their chambers. Next night, or Monday morning at one o'clock, Mr. Kerrel called, *watch!* I went up to him, and he bid me call another watch, and so I brought Richard Hughes to him; then Mr. Kerrel said, *come up. watchmen;* so we went up, and he searched his drawers, and what linen was not his own he threw out. Then he went to search for his cloaths in a portmanteau trunk in the closet, where he missed his waist-coats, and asked the prisoner what was become of them? she said, she had pawned them. He said, he could freely forgive her for pawning them, but he suspected she was concerned in the murder, because he had heard her talk of Mrs. Lydia Duncomb; therefore, says he, *watch, take care of her, and do not let her go.* So we carried her down, and as nothing was found upon her, I and my brother watchman agreed to let her go, upon her promising to be forth-coming at ten in the morning. It was a very boisterous

night, and in five minutes after she was gone, Mr. Kerrel and Mr. Gehagan came down with a bloody tankard and bloody linen. Mr. Kerrel asked me where the woman was? I said, I had let her go. Says he, if you don't bring her again, I'll take care of you. So I called to my brother watch, and he found her sitting between two other watchmen at the Temple gate. We carried her back to Mr. Kerrel. He shewed her the tankard, and asked her whose it was? she said, it was hers, that she had had it these five years, and that it was given her by her mother. He asked her, how the handle came to be bloody? she said, she had a prick in her finger, and shewed it me. It looked as if it was done with a rusty nail.

Council. Did it appear to be a fresh hurt?

Mastreter. No; but a prick she had I am certain of it.

Prisoner. Was the blood on the tankard wet or dry?

Mastreter.. I can't tell; but I believe it was dry, because it did not bloody me when I took hold of it.

Prisoner. Mr. Gehagan swore it was wet.

Gehagan. She rubbed it, and I thought it was.

Mastreter. I had not the tankard in the chamber, but it was brought down to me.

Prisoner. Was you by when the bloody linen was taken?

Mastreter. No, the other watchman had that. It was clean linen that was given me.

Council. These things were found after one o'clock on Monday morning, which was 24 hours after the murder, and therefore I don't see of what service it would be to the prisoner, if

if she could prove that the blood was dry; might it not very well be dry in that time?

Richard Hughs. As I was upon my watch in the Temple, at past one o'clock in the morning, I heard Mr. Kerrel call *watch!* my brother watchman went, and then he called me; we went up stairs, and the prisoner opened the door to us. Mr. Kerrel looked in his drawers, and in the middle drawer there was a pair of ear-rings, which she owned, and took them out, and put them in her bosom. In another room there was some cloaths, and he asked her about his waistcoats, she went to whisper him, and said they were pawned; he was angry, and said, *why did not you ask me for money?* then he bid me and Mastreter take care of her; but as we were not charged with her before a Constable, we thought we had no occasion to keep her in custody, and so we discharged her; she went as far as Tanfield Court arch, and then she turned back and said it was late, and she lived as far as Shoreditch, and therefore had rather sit up in the Watch-house all night than go home. No, says I, *you shall not sit up in the Watch-house, and therefore go about your business, and be here again at ten o'clock.* She said, she would come again at ten, and so went away. But soon after she was gone, Mr. Kerrel came down with a tankard and some clean linen, and very angry he was that we had let her go. I went after her, and found her at the Temple-gate sitting between two watchmen, I told her Mr. Kerrel wanted to speak with her, and (that I might get her along the more easily) I said, that he was not so angry then, as he was before, and so I brought her with me. He shewed her

the tankard, and she said it was her mother's, he asked her how it came bloody? she said, she had pricked her finger.

Council. Was it fresh blood upon the tankard?

Hughs. It looked much as it does now: then I carried her to the Constable, and went away and filled my pipe. But presently I recollected that when I was in Mr. Kelley's room, I kicked a bundle in a gown, and asked what it was, and she said her shift and apron were in it, and not fit to be seen. I told the Constable of it, and he sent for it; so I went and asked for the bundle, *whereof* the shift and apron were put.

Council. *Whereof?* *wherein*, you mean; look upon them; is that the apron, and that the shift?

Hughs. I am not sure that these are the same; for I unfolded them in the chamber, they were both bloody as they are now.

Prisoner. Was the blood wet or dry?

Hughs. I am not sure which.

Prisoner. 'Tis hard, if he opened and handled them, and saw they were bloody, and yet can't say whether they were wet or dry.

Ann Love. I have been acquainted with Mrs. Duncomb thirty years. On Sunday the fourth of February, I went in order to dine with her; it was exactly one o'clock when I came to the chamber-door. I knocked, and waited a considerable time; but nobody answered; I went down to see if I could find any body that had seen any belonging to the family, or knew whether the maid was gone out or no. I met with Mrs. Oliphant, and asked her; she said, she had seen none of them. I went up again, but

but could make nobody hear. Then I concluded that the old maid Elizabeth Harrison was dead, and that the young maid Ann Price was gone to her sister's to acquaint her with it. I went then to Mrs. Rhymer (who was Mrs. Duncomb's executrix) she came with me, and I went up again with her, but we could not yet get the door open; I looked out and saw the prisoner at my Lord Bishop of Bangor's door; I called her up, and said, *Sarah, prithee go and fetch the smith to open the door.* She said, she would go with all speed, and so she went,

Council. Why did you call her?

Love. Because I knew she was acquainted with Mrs. Duncomb. The prisoner returned without the smith. Mrs. Oliphant came to us. *Oh! says I, Mrs. Oliphant, I believe they are all dead, and the smith is not come, what shall we do?* she said, she could get out of her master's chamber into the gutter, and so open Mrs. Duncomb's window; I desired her to do so by all means. She accordingly got out upon the leads, broke a pane of glass in Mrs. Duncomb's chamber-window, opened the casement, and I, and Mrs. Rhymer, and the prisoner went in. In the passage, the poor young girl Nanny lay murdered upon her bed, and wallowing in her blood, with her throat cut from ear to ear.

In the next room, the old maid Elizabeth Harrison lay dead, and was thought to be strangled, and in the next room to that, Mrs. Lydia Duncomb lay dead, and strangled in her bed; and her box, where she kept her money, was broke open, and nothing left in it but some papers.

Council. Do you know that tankard?

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Love. No; if it was hers, I suppose she kept it locked up, for I don't remember that I have seen it in use.

Council. Have you seen the prisoner in Mrs. Duncomb's chambers at any time before these murders?

Love. Yes: I was there about eight o'clock the night before the fact, and Mrs. Oliphant and the prisoner were then in the room.

Council. Do you know on what account the prisoner came?

Love. She pretended she came to enquire of the old maid's health.

Council. What time did she go away?

Love. She and Mrs. Oliphant went away a little before eight, and I staid about a quarter of an hour after.

Council. When you went, did any body lock the door after you?

Love. I don't know; it was a spring-lock, and there was a bolt within-side, and I believe it was bolted when Mrs. Oliphant got in at the window; for when she opened the door, I thought I heard the bolt passed back.

Council. Did the prisoner ever lie with Mrs. Duncomb?

Love. She was her chair-woman before last Christmas.

Council. Did the prisoner use to lie there?

Love. I am not sure of that.

Council. Have you seen her there at any other time than what you have mentioned?

Love. Yes; about a month before the murders she came there, under pretence of looking for the key of her master's chambers.

Prisoner.

Prisoner. If you saw me there when the murder was discovered, do you know what cloaths I had on?

Love. I did not take notice of your cloaths, but I desired you to make a fire, and so you did.

Council. Did you see any thing lie upon the table?

Love. There was a case-knife, with a white handle, but the blade was broke off short. I did not see the blade.

Council. What became of that broken knife?

Love. It was taken away but I cant tell who took it.

Ann Oliphant. Mrs. Love came to me, and said, she had been knocking at Mrs. Duncomb's door, and could not get in, and she believed Mrs. Betty (the old maid) was dead, and that Nanny was gone to acquaint her sister with it, and that the old lady could not get up. This was about one o'clock, and at two she told me she had sent Sarah (the prisoner) for a Smith to break open the door, but he was not come, and she knew not how to get in. Says I, *my master Grisly's chambers, you know, are opposite to Mrs. Duncomb's. He went away last Tuesday, Mr. Twysden has left the keys with me to let the chambers. Now, I'll see if I can get out of his chamber-window into the gutter, and so into Mrs. Duncomb's apartment.* She desired me to try, and so I did; I got into the gutter; I broke a pane in Mrs. Duncomb's window, opened the casement. Here is her window, and here is her door; the door was locked and bolted; I opened it, and Mrs. Rymer and Mrs. Love came in; I did not then see the prisoner, but I believe she came soon after. In the first room

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room we found the girl, Ann Price, with her throat cut from ear to ear, her hair loose, and hanging over her eyes, and her hands clenched thus.----In the dining-room, we found Elizabeth Harrison lying in a press-bed; she was strangled, and her throat scratched; Mrs. Duncomb lay across her bed in the next room. The prisoner was there then and talked to me, but I was so concerned, that I don't know what she said, and in a few minutes the mob came in.

Council. Was you at Mrs. Duncomb's the night before the murder?

Oliphant. Yes, I went to see her about eight o'clock; she said, she was sorry my master was gone, because it was so lonesome. The prisoner was then sitting by the fire with Mrs. Betty, and Mrs. Betty said, *my mistress talks of dying, and would have me die with her.* I got up to go away, and the prisoner said she would go down with me; and so she did, and we parted in Fanfield-court.

Council. You say, you found the door locked and bolted; how do you think the persons, who did the murder, could get in and out?

Oliphant. I don't know. I heard some body say, they must get down the chimney; 'tis a large kitchen chimney; but I could thrust the lock back, it is a spring-lock; I have often put to the bolt myself, to save Mrs. Betty the trouble of coming to shut the door after me. When I say, I shut the bolt, I mean the bolt of the lock.

Council. Is there any way to get out and leave the door bolted?

Oliphant. I know of none.

Council.

Council. Can't they get out at the stair-case window?

Oliphant. No, they have lately been barred.

Council. Mr. Grifly's chambers, you say, had been empty, ever since Tuesday, could they not get into his chambers, and so into hers?

Oliphant I do not know: there is a silly lock to his door, and I believe may be easily picked.

Frances Rhymer. I have known Mrs. Duncomb thirty years; and within these three or four years she has been very infirm, and her memory much decayed, and therefore she desired me to receive and take care of her money, and she made me her executrix.

Council. Then you have seen her box where her money was kept?

Rhymer. Yes, I have opened it twenty times.

Council. Do you know this tankard?

Rhymer. Yes, very well, it was hers: she used to put her money in it, and the tankard and money were both kept locked up in her box. I kept the key of this box; and the Thursday before her death, she asked me if I had got her key? I said, yes, and she said, she wanted a little money. I asked her how much? she said, about a guinea. I opened the box, and took out a bag; it was a rool. bag. It lay a top of the other money in the tankard.

Council. Was this the bag?

Rhymer. It was such a bag as this I carried it to her by the fire-side, and gave her a guinea out of it; and there might be left in the bag, I believe, about twenty guineas. But besides what was in the bag there were several parcels, that she had sealed up in papers, for particular uses. There were six little parcels sealed up with black wax,
I believe

I believe there were two or three guineas in each. In another parcel she told me there were twenty guineas to be laid out in her burying, and in another there were eighteen ludores.

Council. Moidores I suppose you mean?

Rhymer. Yes, I believe they call them Moidores; these, she said, were for me, to defray any extraordinary charges that might happen. Then there was a green purse, with thirty or forty shillings in it for poor people.

Council. Look on that green purse; do you think it is the same?

Rhymer. I think it was not so long a purse as this.

Prisoner. Will she take her oath to every farthing of money that was in the box?

Rhymer. No, I don't pretend to that.

Council. This you say was on Thursday, what did you observe in Mrs. Duncomb's chambers the Sunday following?

Rhymer. When Mrs. Oliphant let us in, the first thing I took notice of, was the poor young creature in the passage, with her throat cut from ear to ear; then in the dining-room there lay Mrs. Betty, strangled, and in the other room I found Mrs. Duncomb in the same condition, and her strong black box was broke open, and all the money and the tankard were gone.

Prisoner. You was there when I was called up, what cloaths had I on?

Rhymer. I was too much concerned to take notice of your cloaths.

Prisoner. Was the door locked, or bolted before Mrs. Oliphant opened it?

Rhymer

Rhymer. I dont know.

Prisoner. Did you see any way that a person could possibly get out and leave the door bel-
ed?

Council. Somebody did get in and out too, that's plain to a demonstration.

Frances Crowder. I knew Mrs. Duncomb six or seven years. I know this tankard; about five years ago she desired me to sell some plate for her; and then she shewed me this tankard; but she, *I would not sell this, I intend to keep it for a particular reason, only I would have you ask what it is worth.* Her plate was marked with a D and a C. [C D L for her husband's name was Charles] she made use of the tankard to put her money in. And afterwards she told me, that she intended the tankard for her niece Keely.

Council. Look on that clean linen. These are the shifts that were found in Mr. Kerrel's drawers.

Crowder. Mrs. Duncomb's shifts had a particular cut, and I verily believe on my oath that they were hers. I have one of hers here; that is the very same in every respect. They are all darned too in a particular manner; there is not one piece in all her linen, but all is darned. They have no mark, but have all the same cut and darning.

Prisoner. One shift may be cut like another.

Crowder. Mrs. Duncomb has cut shifts for me exactly in the same manner: These shifts have not been washed, I believe, for many years, but they were laid up in the box with the money and tankard.

Prisoner. Mrs. Rhymer took no notice of this linen; it was strange that she could not see it; she

she that opened the box so often, must know every trifle that was in it.

Court. She was not asked that question.

Rhymer. I have seen linen at the bottom of the box; but I did not open it, to look at it; neither can I swear to it.

Thomas Bigg, Surgeon. Mr. Farlow came to me at the Rainbow Coffee-house at Temple-bar to ask me to go with the coroner, and view the bodies. In the first room I found the young maid, Ann Price, lying in bed with her hair loose and only her shift on. Her chin was fixed down as if done with a design to hide the cuts in her throat, I lifted her chin up, and found three incisions; one of them was not mortal, but the middle one divided the windpipe, which was cut three parts through and either this, or the third was sufficient for her death. Wounds in the wind-pipe, indeed, are not always mortal, for they may sometimes be cured; but, in a case like this, where the great blood-vessels were cut the unavoidable consequence must be death. She had no head-cloath's on, and her hair was loose and she seemed to have struggled hard for her life. In leaning over the bed, the mob pressed so hard upon me, that I was in danger of having my legs broke, so that I was not so particular in my observation as I could have been. The next body I viewed was that of Elizabeth Harrison: she was strangled, and it appeared to have been by some narrow string, as an apron-string, or packthread. It was pulled so tight that the skin was divided, and the mark very deep. There was likewise the mark of knuckles on the wind-pipe and the blood had gushed out at her nose. She had a gown and petticoat on, and a pair of stockings

ings. I knew her when I was an apprentice. She had sore legs, and for that reason might lie in her stockings. Her gown too seemed to be a sort of bed-gown, and I believe, being old and infirm, she lay both in that and her petticoat too. The last body was that of Mrs. Duncomb. There was a little crease about her neck, which was just enough to give a suspicion that it was made by a string being tied round, but the mark was so small that had she not been very antient and weak, so that a little matter, indeed, would have put an end to her life, one would hardly have thought that to have been the cause of her death.

Council. Did you see the strings on her apron?

Bigg. Yes, they were bloody at the ends.

Prisoner. Might they not have been murdered with those strings, and no blood appear in the middle?

Bigg. They might have been strangled, without making the strings bloody at all. But the strings being only bloody at the ends, which when the apron was tied on, would hang before, the blood might come upon them in the same manner as upon the rest of the apron, or it might be, by folding the apron up before it was dry.

Prisoner. If I had this apron, and did the murder in it, how is it possible that my shift should be bloody both behind and before?

Council. My Lord, we shall now shew, that it was practicable for the door to be bolted within-side by a person who was without.

William Farlow. Betwixt the door and the post there is a vacancy, through which a man may

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put his finger. I put a packthread over the bolt within-side, and then went without and shut the spring-lock, and then drew the bolt by the packthread and it shut very easily.

Mr. *Peters*. There being a difficulty started, how the door could be left bolted within-side, I took Mr. Farlow, porter of the Temple, with me; he put a string about the neck of the bolt, and then I shut him out, and he pulled the bolt to by both ends of the string, and then letting go one end, he pulled the string out.

Roger *Johnson*. The prisoner was brought to Newgate on Monday, Feb. 5. I had some knowledge of her, because she used to come thither to see one Johnson, an Irishman, who was convicted for stealing a Scotsman's pack. She saw a room where the debtors were, and asked if she might not be in that room. I told her it would cost her a guinea, and she did not look like one that could pay so much; she said, if it was two or three guineas, she could send for a friend that would raise the money. Then she went into the Tap-house among the felons, and talked very freely with them. I called for a link and took her up into another room, where there was none but she and I. *Child*, says I, *there is reason to suspect that you are guilty of this murder, and therefore I have orders to search you; (tho' indeed I had no such orders and with that I begun to feel about her hips, and under her petticoats. She desired me to forbear searching under her because she was not in a condition, and with that she shewed me her shift, upon which I desisted. Then I examined down her bosom and feeling under her arms she started, and threw back her head. I clapt my hand to her head,*
and

and felt something hard in her hair, and pulling off her cap, I found this bag of money. I asked her how she came by it, and she said it was some of Mrs. Duncomb's money; but Mr. Johnson, says she, *I'll make you a present of it, if you will but keep it to yourself, and let nobody know any thing of the matter, for the other things against me are nothing but circumstances, and I shall come off well enough, and therefore I only desire you to let me have 3d. or 6d. a day till the Sessions is over, then I shall be at liberty to shift for myself.* I told the money over, and, to the best of my knowledge, there was 20 moidores, 18 guineas, 5 broad pieces, I think one was a 25s. piece, and the others 23s pieces, a half broad piece, 5 crowns, and 2 or 3 shillings: I sealed them up in the bag, and here they are.

Court. How did she say she came by the money?

Johnson. She said, she took this money and this bag from Mrs. Duncomb, and begged me to keep it secret. *My Dear,* said I *I would not secrete the money for the world.* She told me too, that she had hired three men to swear the tankard was her grandmother's, but could not depend upon them; that the name of the one was William Denny, another was Smith, and I have forgot the third. After I had taken the money away, she put a piece of mattsress in her hair, that it might appear of the same bulk as before. Then I locked her up, and sent to Mr. Alstone, and told him the story; and, says I, *do you stand in a dark place to be witness of what she says, and I'll go and examine her again.*

Prisoner. I tied my handkerchief over my head to hide the money, but Buck happening to see

my hair fall down, he told Johnson; upon which Johnson came to me, and said, *I find the cole's planted in your hair, let me keep it for you, and let Buck know nothing of it.* So I gave Johnson five broad pieces, and twenty two guineas, not gratis, but only to keep for me, for I expected it to be returned when Sessions was over. As to the money, I never said I took it from Mrs. Duncomb, but he asked what they had to *rap* against me, I told him only a tankard; he asked me if that was Mrs. Duncombs, and I said yes.

Court. Johnson, were those her words, *this is the money and bag that I took?*

Johnson. Yes; and she desired me to make away with the bag.

Mr. Alstone. On the day she was committed, Mr. Johnson sent for me, and said he had found a bag of money in her hair, and would have had me take it, but I refused. I asked him where the bag was, he said he had left it with her. I told him he should have taken that too, because there might be some mark upon it. He said, he'd call her, and get it from her, and desired me to stand out of sight, and hear what she said. I accordingly stood in a dark place, and she came up and delivered the bag to him, and desired him to burn it, or destroy it some way or other. She said she only wanted witnesses to swear to the tankard, and for all the rest she could do well enough. She afterwards told me, part of the money that was found on her was Mrs. Duncomb's, and taken out of her chamber; that two men and a woman were concerned with her, and that she herself was the contriver, and laid the scheme of the robbery, that she let them in, and sat upon the stairs to watch while they committed the

he fact, but that she knew nothing of the murder; that one Will Gibbs had been with her from the two Alexanders (the men who she said were concerned with her) and that she had sent them ten guineas.

Council. My Lord, we have here information upon oath before Sir Richard Brocas.

Court. If it is upon oath it cannot be read, for persons are not to swear against themselves; all examinations ought to be taken freely and voluntarily, and not upon oath, and then we can read them. Indeed, if afterwards the examinant will accuse others, his examination may be separately taken upon oath, but then it is not to be brought in evidence against him.

Prisoner. Johnson swears he found twenty moldores on me, and Mrs. Rhymer swore there were but eighteen lost.

Court. She was not positive, but said there might be about so many.

The prisoner, in her defence, spoke as follows: Modesty might compel a woman to conceal her own secrets, if necessity did not oblige her to the contrary; and 'tis necessity which obliges me to say, that what has been taken for the blood of the murdered person, is nothing but the free gift of nature.

This was all that appeared on my shift, and it was the same on my apron, for I wore the apron under me next to my shift. My Master, going out of town, desired me to lie in his chamber, and that was the occasion of my foul linen being found there. The woman, that washed the sheets I then lay in,

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can testify that the same was upon them; and Mr. Johnson, who searched me in Newgate, has sworn that he found my linen in the like condition. That this was the case, is plain; for how was it possible it could be the blood of the murdered person? if it is supposed I killed her with my cloaths on, my apron indeed might be bloody, but how should the blood come upon my shift? if I did it in my shift, how should my apron be bloody, or the back part of my shift? and whether I did it dressed or undressed, why was not the neck and sleeves of my shift bloody, as well as the lower parts?

I freely own, that my crimes deserve death; I own that I was accessory to the robbery, but I was innocent of the murder, and will give an account of the whole affair.

I lived with Mrs. Lidia Duncomb about three months before she was murdered; the robbery was contrived by Mary Tracey, who is now in confinement, and myself, my own vicious inclinations agreeing with hers. We likewise proposed to rob Mr. Oaks, in Thames-street; she came to me at my master's, Mr. Kerrel's chambers, on the Sunday before the murder was committed; he not being then at home, we talked about robbing Mrs. Duncomb; I told her I could not pretend to do it by myself, for I should be found out. *No, says she, there are the two Alexanders (Thomas and James) will help us.* Next day I had seventeen pounds sent me out of the country, which I left in Mr. Kerrel's drawers. I met them all in Cheapside the Friday following, and we agreed on the next night, and so parted,

Next

Next day, being Saturday, I went between seven and eight in the evening to see Mrs. Duncomb's maid, Elizabeth Harrison, she was very bad. I staid a little while with her, and went down, and Mary Tracey, and the two Alexanders, came to me about ten o'clock, according to appointment. She would have gone about the robbery just then, but I said it was too soon. Between ten and eleven she said, *we can do it now*. I told her I would go and see, and so I went up stairs, and they followed me. I met the young maid on the stairs with a blue mug, she was going for some milk to make a sack posset. She asked me who those were that came after me? I told her, they were people going to Mr. Knight's below. As soon as she was gone, I said to Mary Tracey, *now do you and Tom Alexander go down, I know the door is left a-jar, because the old maid is ill, and can't get up to let the young maid in when she comes back*. Upon that, James Alexander, by my order, went in and hid himself under the bed; and, as I was going down myself, I met the young maid coming up again. She asked me, if I had spoke to Mrs. Betty? I told her no; though I should have told her otherwise, but only that I was afraid she might say something to Mrs. Betty about me, and Mrs. Betty might tell her I had not been there, and so they might have a suspicion of me. I passed her and went down, and spoke with Tracey and Alexander, and then went to my master's chambers, and stirred up the fire. I staid about a quarter of an hour, and when I came back, I saw Tracey and Tom Alexander sitting on Mrs. Duncomb's stairs, and I sat down with them. At twelve o'clock we

heard

heard some people walking, and by and by Mr. Knight came, went to his room, and shut the door. It was a very stormy night; there was hardly any body stirring abroad, and the watchmen kept up close, except just when they cried the hour. At two o'clock another gentleman came and called the watch to light his candle, upon which I went further up stairs, and soon after this I heard Mrs. Duncomb's door open; James Alexander came out, and said *now is the time*. Then Mary Tracey and Thomas Alexander went in, but I staid upon the stairs to watch. I had told them where Mrs. Duncomb's box stood. They came out between four and five, and one of them called to me softly, and said, *hip! how shall I shut the door?* says I, *'tis a spring lock; pull it too, and it will be fast;* and so one of them did. They would have shared the money and goods upon the stairs, but I told them we had better go down; so we went under the arch by Fig-tree Court, where there was a lamp; I asked them how much they had got? they said, they had found fifty guineas and some silver in the maid's purse; about 100 l. in the chest of drawers, besides the silver tankard, and the money in the box, and several other things; so that in all they had got to the value of about 300 l. in money and goods. They told me they had been forced to gag the people; they gave me the tankard, with what was in it, and some linen, for my share, and they had a silver spoon and a ring, and the rest of the money among themselves. They advised me to be cunning, and *plant* the money and goods underground, and not be seen to be *flush*; then we appointed

appointed to meet at Greenwich, but we did not go.

I was taken in the manner the witnesses have sworn, and carried to the Watch-house, from whence I was sent to the Compter, and so to Newgate. I own that I said the tankard was mine, and that it was left me by my mother: several witnesses have sworn what account I gave of the tankard being bloody; I had hurt my finger, and that was the occasion of it. I am sure of death, and therefore have no occasion to speak any thing but the truth. When I was in the Compter, I happened to see a young man, whom I knew, with a fetter on: I told him I was sorry to see him there, and I gave him a shilling, and called for half a quartern of rum to make him drink. I afterwards went into my room, and heard a voice call me, and perceived something poking behind the curtain; I was a little surprized, and looking to see what it was, I found a hole in the wall, thro' which the young man I had given the shilling to spoke to me, and asked me if I had sent for my friends; I told him, no. He said, he'd do what he could for me, and so went away; and some time after he called to me again, and said, *here's a friend*. I looked through, and saw Will. Gibbs come in; says he, *who is there to swear against you?* I told him my two masters would be the chief witnesses; *and what can they charge you with?* says he; I told him the tankard was the only thing, for there was nothing else that I thought could hurt me. *Never fear then,* says he, *we'll do well enough; we will get them that will rap the tankard was your grandmother's, and that you was in Shoreditch the night the fact*
was

was committed; and we'll have two men that shall shoot your two masters. But, says he, one of the witnesses is a woman, and she won't swear under four guineas; but the men will swear for two guineas a-piece, and he brought a woman and three men; I gave them ten guineas, and they promised to wait for me at the Bull-head in Bread-street; but when I called for them, when I was going before Sir Richard Brocas they were not there.---Then I found I should be sent to Newgate, and I was full of anxious thoughts; but a young man told me, I had better go to *the Whit* (Newgate) than to the Compter.

When I came to Newgate, I had but 18d. in silver, besides the money in my hair, and I gave eighteen-pence for my garnish; I was ordered to a high place in the Gaol. Buck, as I said before, having seen my hair loose, told Johnson of it, and Johnson asked me, if I had got any cole planted there? he searched and found the bag, and there was in it 36 moidores, 18 guineas, 5 crown-pieces, 2 half-crowns, 2 broad pieces of twenty-five shillings, four of twenty-three shillings, and one half broad piece. He told me I must be cunning, and not be seen to be flush of money; I desired him to keep it for me till I got clear, and only let me have a little now and then as I wanted it; then, says he, *do you know any body that will swear for you?* *no,* says I, *can you help me to any?* *I would not do such a thing for the world,* says he, *if I thought you guilty:* so he took the money and we parted; but in a little time he came down again, and said, *what have you done with the bag;* *I have it,* says I, *but what would you advise me to do with it?*

? why, says he, you might have thrown it down the necessary-house, or have burnt it, but give it me, and I'll take care of it; and so I gave it him.

Mr. Alstone then brought me to the condemned Hold, and examined me; I denied all, till I found he heard of the money, and then I knew my life was gone; and therefore I confessed all that I knew; I gave him the same account of the robbers as I have given now. I told him I heard my masters were to be shot, and I desired him to send them word. I described Tracey and the two Alexanders, and when they were first taken, they denied that they knew Mr. Oaks, whom they and I had agreed to rob.

All that I have now declared is fact, and I have no occasion to murder three persons on a false accusation; for I know I am a condemned man, I know I must suffer an ignominious death, which my crimes deserve, and I shall suffer willingly. I thank God that he has given me time to repent, when I might have been hatched off in the midst of my crimes, and without having an opportunity of preparing myself for another world.

My Lord, as there was more money found upon me than belonged to Mrs. Duncomb, I hope your Lordship will be so good as to order that was my own to be returned me.

Court. The Court cannot determine whose property the money is, till the Jury have brought their verdict.

The Jury then withdrew, and in about a quarter of an hour, brought in their verdict, *Guilty Death.*

The Ordinary, in his account of this malefactor, informs us, that she was 22 years of age, descended

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descended of honest creditable parents in the county of Durham.

Her father, she said, had a pretty estate, about 100 l. a year, which he soon ran out, and then with the reversion of it, his wife, her mother, being an Irish woman, went to Dublin, and there they purchased a public place of the City, lived in good credit, and gave her good education at school, in reading, writing, and such other things, as are proper for a girl above the meanest rank of the people. She lived with her father and mother, who made much of her, because of her sprightly temper, a considerable time; till some years ago, her parents coming to London about certain affairs, she came with them; and some time after that, approaching nigh to woman's estate, she went to service, and was in several good families, where she gave satisfaction, and was never blamed for her dishonesty. Her father returning to Dublin, her mother died soon after; about which time, she got to be one of the laundresses in the Temple. Before this she was a servant at the Black-horse alehouse, where she renewed her former acquaintance with Mary Tracey, and became acquainted with the two Alexanders.

As to the murders, burglary, and robbery, for which she was indicted and found guilty, she gave much the same account as she did in court in her defence, and therefore we shall not tire the reader's patience with the repetition.

As to her behaviour, after her commitment, she no sooner entered Newgate, but she cried out, *I am a dead woman.* She was conveyed to the Old Condemned Hold, as the most pro-

per place for securing her, and a person was appointed to watch her, from an apprehension that she intended to take away her own life. These fears were occasioned from her appearing to be extremely ill and out of order, her sick fits were succeeded by vomitings of clotted blood, and her persisting, during these ails, to refuse taking any thing to comfort her, or support nature. Mr. Snowd, a surgeon, after examining into her case, declared it as his opinion, that her illness might be occasioned by a preternatural hurry of spirits, and was not dangerous. However, she would sometimes fall into strange agonies, rolling her eyes, clinching her hands, &c. particularly once, when her former master came to see her, she fell into an extraordinary disorder, grasping the keeper's legs, so as scarce to be got off; when she came to herself, all the reason she assigned was, that she could not endure to see any of her acquaintance.

When she was informed, that Mary Tracey and the two Alexanders were seized, she appeared pleased, and smiled, saying, with seeming satisfaction, *I shall die now with pleasure, since the murderers are taken.* When the boys and the woman were shewn to her, that she might see whether they were the persons whom she accused, she immediately said, ay, these are the persons who committed the murder. And said to Tracey, you know this to be true, which she pronounced with a boldness that surprised all who were present. Then addressing her again, said, *see, Mary, what you have brought me to; and it is through you and the two Alexanders, that I am brought to this shame, and must*

die for it; you all promised me you would do no murder, but to my great surprise I found the contrary.

Some gentlemen, who came to see her in the Press-yard, importuning her to make a frank discovery of the murder, she answered with some heat, *after I have been some time laid in my grave, it will be found out.* Some people of fashion asking her if she was settled in her mind, and resolved to make no further confession; she said, that as she was not concerned in the murder, she hoped God would accept her life as a satisfaction for her manifold sins.

On Sunday about six o'clock in the afternoon, as some people were with her in her room, she fell into a grievous agony, which lasted for some time with all imaginable signs of terror and fright; one of the keepers coming in said, Sarah, what's the matter? what has happened to put you in this disorder? she pretended it was occasioned by her being told at Chapel that she was to be hanged in Fleet-street among all her acquaintance, which, she said, gave her inexpressible pain. The keeper replied, I am afraid, Sarah, that is not the truth; when the dead warrant came down, I acquainted you, that you were to die there, so it is not probable that should surprize you so much now. Take my advice, make a full confession, and you'll find your mind much easier; to this she said not a word.

When the bell-man came into Newgate to give notice to the prisoners who were to die on Monday, somebody called to Sarah Malcolm, and bid her mind what he said; she looking out of the window, answered, she did; and

and as soon as he had done, said, d'ye hear, Mr. Bell-man, call for a pint of wine, and I'll throw you a shilling to pay for it, which she did accordingly.

Sunday night, about ten o'clock, she called to Chambers, one of the prisoners who were to die the next day, and who was in a cell over against her window, and bid him be of good comfort, and asked him if she should pray along with him; he answered, *do, Sarah, with all our hearts*; upon which she began to pray very fervently, and continued to do so for the best part of the night, till all her candles were burnt out, then she exhorted them not to go to sleep, but to pray to God to forgive them their past offences: *your time, said she, is short, as well as mine, and I wish I were to go with you.* As to the ignominy of your fate, let not that trouble you, none but the vulgar will reflect on you or your relations; good fathers may have unhappy children; and pious children may have unworthy parents, neither are answerable for the other. As to the suddenness of your death, consider, we have had time to call for mercy. Having finished her speech to these her unhappy companions, she shut the window, and laid herself down on her bed.

The following Letter was sent to her some days before her Execution.

Dear Sister in God,

I shall not say much as to your present unhappy circumstances, because I am not certain they aer and yet I cannot help saying, I am concerned

to hear so many vile Hereticks reproach you for being guilty of a crime, for less than they themselves live in the constant practice of. I do assure you that the prayers of the faithful are not wanting for the delivery of you out of your trouble, but as it hath pleased Almighty God to call you out of the world in the manner you are now acquainted with, I hope you will submit to it as becomes a true Catholic christian; and as it is ordered you must die, the manner of it is not worth your concern, whether you are seen by ten or ten thousand people, nor can it make any alteration in your case, whether they all cry for you or against you; since it is no more in their power to save you from the power of the law, than it is to aggravate the punishment of it. And as to the place where you suffer, though it may please your enemies, it cannot in the least add to your afflictions, when you consider who it is that has the direction of all events, and that his designs are not to be frustrated by any, and that he may with the same justice demand your life, by the hand of ordinary justice, as he did others by the means so much complained of, and said by some to be so great an evil that deserves eternal damnation: but were the question seriously asked them, why taking away life is an evil, and the preserving it a good, I am apt to think I should meet with no better answer, than that they did think so not considering, that God directs all events, and that he doth not see as men see, nor judge as men judge, but can bring about the greatest good, by the means of the greatest evils; nor in the present case, without some evidence of the truth of this, as the Old Bailey could and Newgate now can testify; but to say no more on this head, I shall conclude with a few words of advice to you, and

to trust, that God who is able will abundantly recompence all your sufferings if you continue steadfast in the true faith. And first of all, let not any concern about the things of this life meet with any place in your heart, nor doubt in the least of your welfare in the next; but firmly trust, that he who has made you an instrument of bringing about his purpose, will as certainly reward you, if you trust in him; notwithstanding so many unthinking wretches are for sending you to hell for being the instrument of sending a few poor souls to Heaven a little before their time, and that too for what they knew was not in your power to help. But what is most to be lamented in your present sufferings is, that you are daily persecuted by that ignorant Heretick and most ordinary of all ordinaries, whose godliness is gain and filthy lucre, who, under pretence of giving saving knowledge, is endeavouring to extort false confession, &c. and since you have already declared what you say is the truth in relation to the fact charged upon you, I hope none will prevail on you to say otherwise; so recommend myself your faithful friend always in prayer for you till Death,

MORGAN MACCAY.

Kensington,
March 2d, 1733.

A Letter written by Sarah Malcolm.

SIR,

YOU cannot but know that sadness is the rack of an affliction not to be expressed, a judgement more prejudicial than the worst revenge from an enemy's hand; it is like a venomous worm, which not only consumes the body, but eats into the

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very soul, it is a moth that feeds on the very marrow and vitals, and perpetual executioner, torturing the soul, and exhausting her spirits. So, Sir, if conscience has touched you, it must certainly leave sadness on your spirits; and as it behoves every one at their last hour to die in peace with God and all the world, I freely forgive you and all the world.

Feb. 26, 1733.

SARAH MALCOLM

At the place of execution, she appeared pretty serene and calm, reading in a book; I prayed with her, and she appeared very serious and devout; and could not compose herself, but cried most bitterly all the time. As I was concluding the prayers, and recommending her soul to Almighty God, at the point of death, she fainted away, and it was a good while before she recovered. Just before the cart drew away, she looked towards the Temple, and cried, *Oh! my master, my master! I wish I could see him!* and then looking up to heaven often cried, *Lord have mercy on me, Lord receive my spirits,* and then the cart withdrew.

She was executed, March 7, 1733, in Fleet-street, near Fetter-lane.

The Trial of CHARLES MACHLIN for Murder.

CHARLES MACHLIN was indicted for the murder of Thomas Hallam, by thrusting a stick into his left eye, and thereby giving him one mortal wound of the breadth of a quarter of an

an inch, and depth of one inch and a half, May 13, 1735, of which wound he languished till the next day, and then died.

He was a second time indicted on the Coroner's inquisition for the same.

Thomas Arne. I have the honour to be numberer of the boxes at Drury-lane Play-house under Mr. Fleetwood. On Saturday night, I delivered my accounts in the property office, and then at eight at night, I came into the Scene-room where the players warm themselves, and sat down in a chair at the end of the fire. Fronting the fire there's a long screen where five or six may sit. The play was almost done, and they were making preparations for the entertainment, when the prisoner came and sat down near to me. High words arose between him and the deceased about a stock-wig for a disguise in the entertainment, the prisoner had played in this wig the night before, and now the deceased had got it. *D---n ye for a rogue,* says the prisoner, *what business have you with my wig?* *I am no more a rogue than yourself,* says the deceased, *It's a stock-wig, and I have as much a right to it as you.* Some of the players coming in, they desired the deceased to give it to the prisoner, which he did, and said to him, *here is your wig, I have got one that I like better.* The prisoner sitting by me, took the wig, and began to comb it out, and all seem'd to be very quiet for half a quarter of an hour. But the prisoner begun to grumble again, and said to the deceased, *G---d---n you for a black-guard scrub rascal, how durst you have the impudence to take this wig?* the deceased answered, *I am no more a rascal than yourself.* Upon which the prisoner started up out of his chair, and having a flick

a stick in his hand, he gave a full longe at the deceased, and thrust the stick into his left eye, and pulling it back again, he looked pale, turned on his heel, and, in a passion, threw the stick in the fire. *G---d---n it*, says he, and turning about again upon his heel he sat down. The deceased clapt his hand to his eye, and said it was gone through his head: he was going to sink, and they set him in a chair. The prisoner came to him, and leaning on his left arm, put his hand upon his eye. *Lord, cried the deceased, it is out. No*, says the prisoner, *I feel the ball roll under my hand*. Young Mr. Cibber came in, and immediately sent for Mr. Coldham the Surgeon.

Prisoner. Did I shew any concern afterwards?

Arne. I believe he was under the utmost surprize, by his turning about, and throwing his stick into the fire, and shewed a further concern when he felt the eye-ball.

Thomas Whitaker. I am a dresser in the house, under a comedy-player. On the Friday night, the prisoner asked me to lend him a comedy wig to play Sancho, in the *Fop's Fortune*. And the next night, the deceased came and asked me for the same wig, I told him I had it not, and bid him go to the other dresser. As I was afterwards waiting in the hall for my money, the prisoner came in, and asked the deceased for the wig; the deceased answered, that he could not have it, and the prisoner replied, you are an impudent rascal, and ought to be caned for your impudence. Mr. Mills, who was acting *Juba*, came and said, *what is the matter with you?* and

can't

can't play for the noise you make. The prisoner answered, *this Rascal has got a wig that belongs to me.* Mr. Mil's said to the deceased, *Hallam, don't be impertinent, but give him the wig.* Hallam still refused, upon which the prisoner said, *G---d--- ye, such little rascals ought to be made examples of,* and so turned out of the room. I being dressed in shape, went up, and undressed, Mr. Woodford bid me bring down a scimiter, which I did, but when I came down I could not find him, and so I went into the Scene-room. The deceased was then standing between the door and the settle, the prisoner was about three yards from him, and starting up, he made a sudden plunge (whether stepping or running, I can't say) the deceased clapt his hand to his eye, and made a reel, as if he was throwing himself into the settle; the prisoner seemed to relent.

Mr. Cole. The deceased came first into the Scene-room, and complained, that the prisoner had used him ill about a comedy-wig. The prisoner soon followed, and said the deceased had used him ill and impertinently, and he insisted upon having that wig. They went out separately. The deceased came in again, Mr. Fabian, the author of a farce to be acted that night, Mr. Mills, and others advised the deceased to let the prisoner have the wig, and Mr. Kitchen, the property-man, promised to help him to a better. The deceased fetched the wig and gave it to the prisoner, and then Mr. Kitchen gave another wig to the deceased. The deceased held out this wig to shew it, and said he liked it better than the other. "You impertinent saucy Rascal," says the prisoner, "I wonder such a little scoundrels

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drels dared to take a wig out of my dressing-room." The deceased told him he had it of the dresser. "D--- ye you dog, do you prate." And, rising up from the settle, he pushed at the deceased, who then stood stock still between me and the settle. I was so near him that I was afraid my own eyes would have been hurt; he reeled, and I caught him in my arms.

Council. Who does the dressing-room, where the wig was kept, belong to?

Cole. Not to the deceased.

Q. Has every one a particular room to dress in?

Cole. There were three or four who dressed in that room, but the deceased did not belong to it. But he said the dresser gave him the wig. I believe the dresser's name was Greenwood.

Mr. Lee and Mr. Roberts confirmed the evidence before given.

Thomas Salway. I was sitting at the end of the settle, which will hold five or six people. The deceased stood by me and said, *If he, the prisoner, had had a mind for the wig, he might have asked for it in a civil manner, and not have attacked him like a pick-pocket;* the prisoner said, *you lie.* The deceased returned, *I don't lie, or else you lie.* Upon which the prisoner got up, and I think made one step, and said, *ye little Rascal, do you prate?* or some such words, and then made a push at him with a stick, which entered his eye, and made a noise like a squashing. He clapt his hand to his eye, and the blood ran down his face; he tottered; but I was so shocked and frightened that I had not power to catch him, but went out of the room: when the push was made he was standing

standing still, about three yards from the prisoner.

Council. Did he aim at any particular place?

Salway. He seemed in too great a passion for that.

Prisoner. Was it not a stick necessary for my part as a Spanish servant?

Salway. Yes.---The deceased stood close to my right shoulder.

Prisoner. Which side of him was towards me when I pushed?

Salway. His full face.

Prisoner. Did not you say, "what a passionate man are you to do this mischief?" and did not I answer, "good God! what will not a man do in passion when he knows not what he does?"

Salway. There might be some such words.

Mr. Goldham, Surgeon. On the 10th of May, in the evening, I was sent for and dressed the deceased. He died next day, and I opened the skull, and found the stick had passed through the thin bone, that contains the eye, in to the brain. That bone is extreme thin, and can make but little resistance. Had the blow been else-where, it might have had a less fatal effect. I was astonished that a man should die by such an instrument; when I first attended him, the prisoner shewed much concern, and desired me to take all possible care of him.

George Carpenter. I know nothing of the affair, but only was bound over to prosecute, because he had no friends.

The prisoner pleaded thus in his defence. I layed Saneho the night before, and the wig I

then used was proper for the new play, and absolutely necessary for my character, the whole force of the poets wit depending on the thin meagre looks of one that wanted food. The wig therefore being so fit for my purpose, and hearing that the deceased had got it, I said to him, "you have got the wig I played in last night, and it fits my part this night.---I have as much right to it as you have," says he. I told him I desired it as a favour: he said I should not have it. "You are a scoundrel," says I, to deny me, when I only ask that as a favour, which is my right. I am no more a scoundrel than you yourself," says he, and so went out, and I went to the prompter's door to see for Mr. Cibber. Mean while the deceased went into the Scene room, and said, I had used him like a pick-pock. The author persuaded him to let me have the wig, and the property-man brought him another wig. He threw the first wig at me. I asked him why he could not as well have done that before, he answered, *because you used me like a pick-pock.* This provoked me, and rising up, I said, *Drive ye for a puppy, get out.* His left side was turned towards me, but he turned about unluckily, and the stick went into his eye. *Good God!* says he, *what have I done!* and threw the stick in the chimney. He sat down, and said to Mr. Arragon (who was dressed in womans cloaths) *run up your coats, you little bitch, and urinate in his eye* but he could not, and so I did. I begged him to take the deceased to the bagnio, but Mr. Moore said she had a room where he should be taken care of. I had then no thought that he would prove his end, but feared that his life was in danger. But next morning I saw

Turbut, who advised me to keep out of the way, or I should be sent to gaol. I begged him to get the assistance of a physician, and gave him a guinea which was all the money I had.---From the beginning of the quarrel to the end, it was but ten minutes, and there was no intermission.

Robert Turbut. I had played that night, and was in the Scene-room when the deceased came in, and seemed flushed, and said, *Machlin has used me like a pick-pocket. I had this wig of Mrs. Greenwood the dresser, and now he wants it; and I think it as proper for my character as for his.* The prisoner then came in and demanded it. Upon which, in a merry way, it was put to the question, which of them should have it, and it was agreed that the prisoner should. Mr. Kitchen came in, and said, here is another wig. The deceased then tossed the former wig to the prisoner, who said to him, *why could not you have done this before?* he answered, *because you used me like a pick-pocket.*---*You lie,* says the prisoner; and *you lie,* says the deceased.---*You are a scoundrel,* says one, and *you are a scoundrel,* says the other. At last, the prisoner rising up, said, *ye puppy, get out,* and pushed at him, but I believe not with any particular aim.

Mr. Rich, Mr. Fleetwood, Mr. Quin, Mr. Ryan, Mr. Thompson, Mr. Mills, Mr. Lesley Mr. Black, Mr. Fern, appeared to the prisoner's character, and deposed that he was a man of a quiet and peaceable disposition.

The jury found him guilty of Manlaughter.

The Life of RICHARD TURPIN, the famous Highwayman; with an Account of his most memorable Exploits.

RICHARD TURPIN was son of John Turpin, of Hampstead in Essex, who put him to school to a writing-master; from whence he was put apprentice to a butcher in White-chapel, where he served his time. He was frequently guilty of misdemeanours, and behaved in a disorderly manner. As soon as he came out of his time, he married the daughter of one Palmer, and set up for himself in Essex, where he was reduced to the necessity of maintaining himself by indirect practices, and accordingly very often used to rob the neighbouring gentlemen of sheep, lambs, oxen, &c. particularly once he stole a couple of oxen from Mr. Giles of Plaistow, which he had conveyed to his own house, and cut up, but was detected by two of the gentleman's servants, who having a suspicion, of him, from some information they had received, and seeing an ox slaughtered, were confirmed in their suspicions; but in order to be further assured, enquired where Turpin sold the hides of his beasts, and being informed that he generally sold them at Waltham Abbey, they went there, and were convinced on sight of the hides, that Turpin was the man who stole the oxen, and immediately returned to apprehend him, which he being apprized of, left them in the fore-room, jumped out of a window, and made his escape: when he was gone, his wife disposed of the carcases.

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Turpin having thus made his escape immediately formed a design of commencing smuggler; for which purpose, his wife having furnished him with what small matter of money she could raise, he went into the hundreds of Essex, where he soon got into a gang of smugglers, and he followed his new profession for some time with tolerable success; but at last, lost all he had acquired; upon which not caring to run any more hazards, he thought proper to try his luck some other way. Accordingly, soon after, meeting with a gang of deer-stealers, who finding him to be a desperate fellow, and ripe for any mischief, they admitted him among them but the Hundreds of Essex not being so proper for them as the other part of the country, they concluded to come up nearer to town and the forest, which they did, and robbed not only in the forest, but several gentlemen's parks, and by that got a considerable sum of money. It was Turpin's being engaged in this gang, that brought him acquainted with Gregory, Fielder, Rose, and Wheeler (the three first of whom were hanged at Tyburn, and Wheeler was admitted an evidence against them) which was afterwards called the Essex Gang. They followed deer-stealing only for some time, but beginning to be too well known by the keepers, and not finding money came in so fast as they expected, they formed themselves into a body by Turpin's direction, and resolved to go round the country at nights, and whatever house they knew had any thing of value in it; one was to knock at the door, which as soon as it was opened, the others rushed in and plundered; nor were they content to take the money and plate watches or rings, but

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even house hold goods, if they found any they liked. In short, to such a pitch were they grown, that they were a terror, not only to the whole county of Essex, but to all the neighbouring counties, as may be known from the usage farmer Lawrence met with from them, as we shall see hereafter.

The first person attacked by them was one Mr. Strype, an old man that kept a chandler's shop at Watford; from whom they took what little money he had scraped together, but did him no further mischief: but they did not behave in the same manner long; for their next attempt was upon a widow gentlewoman that lived at Laughton, which was a scheme of Turpin's; who told the gang, he knew an old woman at Laughton, who, he was sure, had 7 or 800*l.* by her. Accordingly they proceeded to Laughton; Wheeler knocked at the door, and Turpin and his companions all rushed in, and the first thing they did was to bind the old lady, her son, her man and maid; then Turpin began to examine where the money and effects were; telling her at the same time, he knew she had money, and it was in vain to deny it, for have it they would. The old gentlewoman being very loth to part with her money, persisted in it that she had none, and would not declare any thing more of the matter. Upon which some of the crew were inclinable to believe her, and were sorry for their disappointment; but Turpin insisting she had money, at last cried, *you old Bitch, if you won't tell us, I will set you bare a---se on the grate.* She imagining he only meant to threaten her, remained silent, and even suffered herself to be served; and endured it for some time, till the
anguish

anguish at last forced her to discover; which when she had done, they took her off the grate, and robbed her of all they could find, which was upwards of 400*l*.

The next they robbed, was a farmer near Ripple-fide; where the people of the house not coming to the door so soon as they expected, they broke it open. They first of all, according to their usual custom, tied the old man, the old woman, the servant maid, and a son-in law of the old farmer's coming in unluckily, they likewise secured him; they afterwards ransacked the house, and in money and things robbed the old farmer of about 700*l*. Turpin finding their booty so considerable, with an oath, cried out, *ay! this will do, if it would always be so*. For by this enterprize the whole gang shared about 80*l*. a man.

Turpin, flushed with this success, resolved to be revenged on several who had endeavoured to detect them. Among others, Mason, the keeper upon Epping Forest, was pitched upon to feel the effects of their resentment. Accordingly, a time was fixed, when they should go and attack his house. Turpin having shared so much money, could not refrain coming to London for pleasure, and by getting drunk, forgot the appointment with his companions, and never went near them; they waited for him a long time, but finding he did not come, they determined not to be baulked in their design; and Fielder and Rose taking upon them to command in the expedition, they all set out to Mason's, having first bound themselves with an oath not to leave one whole piece of goods in the house. Accordingly, having broke open the door, they

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beat and abused Mason in a terrible manner, and then kicked him under the dieffer, and there left him. An old man was sitting by the fire, but upon declaring he knew none of them, when they asked him, they did not meddle with him. Mason's little girl, in her fright, got out of bed, and without any cloaths ran into the hog stie, and there hid herself; they then went up stairs, and broke every thing they could lay hands on; at last, spying a punch-bowl that stood a little out of the way, they broke that, and out dropt 120 guineas, which they took, after they had done as much mischief as they could, and then went away very well satisfied.

On Saturday, the 11th of Jan. 1735, at seven or eight o'clock in the evening, Turpin, Fielder, Walker, and three others, came to the door of Mr. Saunders, a wealthy farmer at Charlton in Kent, and knocking at the door, enquired if Mr. Saunders was at home; being answered he wa-, they all rushed in, went directly to the parlour, where Mr. Saunders, his wife, and some friends were at cards; desired them not to be frightened, for that they would not hurt their pertons, if they sat still, and made no disturbance. The first thing they laid hands on was a silver snuff-box, which lay on the table before them, and having secured the rest of the company, obliged Mr. Saunders to go about the house with them, and open his closets, boxes, and escrutore, from whence they took upwards of 100 l. in money, and all the plate in the house, a velvet hood, manteel, and other things. Whilst this was doing, the servant maid got loose, ran up stairs, barred herself

into

into one of the rooms, and called out at the window for assistance, in hopes of alarming the neighbourhood; but one of the rogues ran up stairs after her, and with a poker broke open the door, brought her down again, bound her and all the rest of the family, robbed the house of divers other things of value, and finding in their search some bottles of wine, a bottle of brandy, and some mince-pies; they all sat down, and drank a bottle of wine, and eat a mince-pie, and obliged the company to drink each a dram of brandy. And Mrs. Saunders fainting away with the fright, they got her a glass of water, put some drops in it, and were very careful to recover her. They staid about two hours in the house before they packed up their plunder, and then marched off with it. But threatened them, that if they stirred within two hours, or advertised the marks of the plate, they would murder them. When they concerted this robbery, they met at the George at Woolwich; and after they had effected their design, they crossed the water, and brought the goods to an empty house in Ratcliff-Highway, where they divided the plunder.

On Saturday the 18th of Jan. Turpin, Fiel-der, Walker, and two others, made an appointment to rob Mr. Sheldon's house near Croydon in Surry, and for that purpose met the same evening at the Half-moon tavern at Croydon about six o'clock, and about seven went to Mr. Sheldon's; Walker having some knowledge of the house, going at the head of his companions into the yard, perceived a light in the stable, went thither, where the coachman was dressing his horses; him they bound, and going from
thence,

thence, met Mr. Sheldon in the yard, whom they seized, and compelled him to shew them the way into the house, and took from Mr. Sheldon eleven guineas, and several pieces of plate, jewels, and some other things of value, which they carried off; but before they left the place, they returned Mr. Sheldon two guineas of the money, asked pardon for what they had done, and bid him good night.

On Tuesday, the 4th of February, Turpin, Gregory, Fielder, Rose, and Wheeler, having formed a design to rob Mr. Lawrence, at Edgeware-bury, near Stanmore in Middlesex, met, about two o'clock in the afternoon, at the Black-horse in the Broadway, Westminster, near which Rose and Fielder lodged, and set out from thence on horseback to the Nine-pin and Bowl at Edgeware, where they had appointed to meet about five o'clock; while they staid there, their horses were in the yard, which gave Mr. Wood, who keeps the house, the better opportunity of observing them, when he saw them afterwards in King's street, Bloomsbury, where they were taken. About five o'clock they went from Mr. Wood's to the Queen's-head at Stanmore, and about seven they went away all together for Mr. Lawrence's, which was about a mile from thence, where they got about half an hour after seven: Mr. Lawrence had but just before been paying off some workmen, who were discharged and gone from the house. At their arrival at Mr. Lawrence's, they alighted from their horses at an outer gate; and Fielder getting over the harch into the sheep-yard, met Mr. Lawrence's boy just putting up some sheep; him they seized,

and presenting a pistol to him, Fielder said he would shoot him if he offered to cry out, and then took off the boy's garters, and tied his hands, and enquiring of him what servants Mr. Lawrence kept, and who was in the house, they told him they would not hurt him, but that he must go to the door with them, and when they knocked at it, if any body within should ask, who it was, that the boy was to answer, and bid them open the door to let him in, and they would give him some money. Accordingly they led the boy to the door, but he was so terrified that he had no power to speak; whereupon Gregory knocked at the door, and calling out, Mr. Lawrence's man-servant apprehending it to be some of the neighbours only, opened the door, upon which they all rushed in with pistols in their hands, crying out, *d--n your blood, how long have you lived here?* and immediately seizing Mr. Lawrence and his man, threw a cloth over their faces, then took the boy into the next room with his hands tied, and setting him down by the fire, examined him what fire-arms Mr. Lawrence had in the house, and being told there was an old gun, they broke it in pieces, then took Mr. Lawrence's man, and bound his hands, and led him into the room where the boy was, made him sit down there, and also bound Mr. Lawrence. Turpin broke down his breeches, and fell to rifling his pockets, out of which they took one guinea, one 36s piece, about fifteen shillings in silver, and his keys. They said that money was not enough, they must have more, and drove Mr. Lawrence up stairs, where coming to a closet, though they had taken the key from Mr. Lawrence before,

fore, and had it in their custody, yet they broke open the door, and took out two guineas, ten shillings, a silver cup, thirteen silver spoons, two gold rings; and all they could find; and in their search meeting with a bottle of elder wine, they took it, and obliged the servants to drink twice of it.

Dorothy Street, the maid servant, being in the back-house a churning, and hearing a noise suspected rogues were got into the house; and in order to save herself, she put out the candle; but they rushed in upon her, tied her hands, and then brought her into the room where the other servants were, rifled the house of all they could get, as linen, table-cloths, napkins, shirts, and the sheets from off the beds, took the beds under feet, to find if any money was concealed, and suspecting there was more money in the house, they brought Mr. Lawrence down stairs again, threatened to cut his throat, and Rose put a knife to it, as if he intended it, to make him confess what money was in the house; then whipped him with their hands as hard as they could. One of them took a chopping-bill, and threatened to chop off his leg; then they broke his head with their pistols, and dragged him about by the hair of the head. One of them took a kettle of water off the fire, and flung it upon him, but it did him no other harm than wetting him, the maid having before taken out the greater part of the boiling water, and filled it up again with cold. Then they hauled him about again, swore they would rip him up and burn him alive, if he did not tell them where the rest of his money was; proceeded to make a further search, and Gregory swore the

said should shew him where the money was; but he compelled her to go up stairs, took her to the garret, bolted the door, threw her on the bed, swore he would shoot her if she offered to cry out, and lay with her by force. After which, he told her he would go to her master's son's house, which was adjoining. In their search, besides the before-mentioned particulars, they met with a chest of one of Mr. Lawrence's sons, which they broke open, and took out of it twenty pound and all his linen; when they enquired of the boy, whether Mr. Lawrence's son would come home that night, and being informed that he would, they said they would go and rob his other son's house, and obliged the boy to go with them to the door, but on further consideration did not go in, but threatened to come again in half an hour, and if they then found any body loose they would kill them, so locked them all in the parlour, took the key of the door and threw it into the garden. Some of the goods were afterwards found in Duck-lane, and others in Thieving-lane, where Rose and Walker were taken.

Although in this robbery they got about twenty-six pound in money, in the whole, besides plate and goods, yet they made no fair distribution of it among themselves; for to Wheeler, the evidence, who was set to watch Mr. Lawrence and his servants, whilst the others were rifling the house, his companions pretended, they had only got three guineas in the whole, and about six shillings and six-pence in silver.

Teese.

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These frequent robberies being committed in so daring a manner, induced his Majesty to promise in the Gazette, a pardon to any one of the criminals who had been concerned in and entering the house of Joseph Lawrence Senior at Earlesbury near Edgware, &c. and also as a further encouragement, a reward of 50*l*. for every one of the criminals, who should be discovered and apprehended, to be paid upon conviction of the offenders.

Notwithstanding which, on the 7th of Feb. Turpin, Fielder, Rose, Walker, Bush, and Gregory, together with Wheeler, met by appointment at the White-Bear inn, at the upper end of Drury-lane, at five in the evening, where they agreed on an attempt to rob Mr. Francis, Farmer near Mary-bone, where they arrived about seven; and while they were making their observations of the house, one of them perceiving somebody in the Cow-house, they went thither, and finding one of the men-servants there they seized and bound him, threatening to shoot him if he cried out, or made any noise; they carried him into the stable, where was another of Mr. Francis's men, whom they seized and bound also. They had scarce done that, before Mr. Francis, who had been abroad, came in; they met him at the gate as he was going up to his door, three of them laying their hands upon his head, Mr. Francis, not apprehending them to be rogues, but thought it done in frolic, on which they presented their pistols to him, and swore they would shoot him if he made opposition or disturbance, and seizing him by the arms, led him into the stable to his men, where they bound him, and left him under the

of Turpin and Bush, who stood over them with loaded pistols, whilst the other five went to the house, and knocking at the door, Mr. Francis's daughter opened it, supposing it to be some of their men. But as soon as the door was opened, Wheeler and the rest rushed in, and presenting their pistols at her, threatened to shoot her if she made any disturbance; which the maid hearing, cried out, lord, Mrs. Sarah, what have you done? on which one of them struck the maid, and the other struck Mr. Francis's daughter, and swore they would murder them if they would not hold their peace. Mrs. Francis hearing the disturbance, and being apprehensive of some danger, cried out, lord! what's the matter? on which Fielder stepped up to her, and cried, you old bitch you, I'll stop your mouth presently, and immediately broke her head with the handle of his whip, and then tied her down in a chair, bleeding as she was. The maid and daughter were bound in the kitchen, and Gregory was set to watch them, who stood over them with a pistol in his hand, to prevent their crying out for assistance, or endeavouring to get their liberty, whilst the other four were rifling the house; in it they found, besides other things, a silver tankard, a gold watch, chain and seal, a silver picture of King Charles the first, washed with gold, a gold ring set with diamonds, a gold ring set with a stone, and four diamonds, two gold rings with posies, a piece of gold with a hole in it, thirty seven guineas, and ten pound in silver, which they took away with them; as also shirts, stockings, and divers other sorts of goods; but here, as they had done before,

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they cheated each other, for, excepting the goods, they divided only nine pound twelve shillings and six-pence amongst them, the guineas were secreted by him that laid hands on them. They spent about an hour and half in rifling the house, whilst Gregory stood centry over old Mrs. Francis and her maid and daughter; and Turpin and Bush over Mr. Francis and the two servants in the stable. When they had packed up their plunder, they threatened the family, that if they made any outcry, they would come back and murder them, and then marched off with what they had got.

These transactions alarmed the whole country, nobody thinking themselves safe; upon which Mr. Thompson, one of the king's keepers, went to the Duke of Newcastle's office, and obtained his Majesty's promise for a reward of one hundred pound, for whoever should apprehend any of them. This made them a little more cautious; however, some of the keepers and others, having intelligence that they were all regaling themselves at an alehouse in an alley at Westminster, they pursued them thither, and bursting open the door, found Turpin, Fielder, Rose, and Wheeler, and two women: Fielder, Rose, and Wheeler, after a stout resistance, were taken, but Turpin made his escape out of a window, and taking horse rode away immediately; Wheeler made himself an evidence, and the other two were hanged in chains.

This gang was then broke, and Turpin, quite left to himself, took a resolution to be concerned in no other gang, but to go towards

Cambridge,

Cambridge, which he thought would be the best way, as he was not known in that country.

But before he reached his journey's end, the following odd encounter got him his best companion, as he often declared. King, the highwayman, who had been towards Cambridge on the same account, was coming back to London: Turpin seeing him well mounted, and appearing like a gentleman, thought that was the time to recruit his pockets, and accordingly bids King stand, who keeping him in discourse some time, and dallying with him, Turpin swore if he did not deliver immediately he would shoot him through the head. Upon which King fell a laughing, and said, *what! dog eat dog!---come, come, brother Turpin, if you don't know me, I know you, and should be glad of your company.* After mutual assurances of fidelity to each other, and that nothing should part them but death, they agreed to go together upon some exploits, and met with a small booty that very day, after which they continued together, committing divers robberies, for near three years, till King was shot.

King being very well known about the country, as Turpin likewise was, infomuch that no house would entertain them, they formed a design of making a cave, and to that purpose pitched upon a place enclosed with a large thicket, situate between Loughton road and King's Oak road. Here they made a place large enough to receive them and their horses; and while they lay quite concealed themselves, could see through several holes made on purpose, what passengers went by in either road,

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and as they thought proper could issue out and rob them, in such a manner, and so frequently, that it was not safe to travel that road, and the very higglers were obliged to go armed. In this cave they lived, eat, drank, and lay; Turpin's wife supplied them with victuals, and frequently staid there all night.

From the forest, King and he once took a ride to Bungay in Suffolk, where Turpin having seen two young market-women receive thirteen or fourteen pound for corn, would rob them; King dissuaded him from it, telling him they were two pretty girls, and he would not be concerned in it. Turpin swore he would rob them, and accordingly did, against King's consent, which occasioned a dispute between them.

At their return to their cave they robbed a gentleman of London, one Mr. Bradele, at Fairmaid-bottom, who was taking an airing in his chariot, with his two children. King first attacked him; but being a gentleman of spirit, was offering to make resistance, thinking there had been but one; upon which King called Turpin by the nick-name of JACK, and bid him hold the horses heads; they took first his money, which he then readily parted with, but insisted upon not giving his watch, which he said he would not part with; but the child in a fright persuaded his father to let them have it; they further insisting on an old mourning ring of small value, which Mr. Bradele humourously told them was not worth eighteen-pence to them, but he prized it very much; King insisted upon having it off, which when he had, he returned it to him, saying, they were more

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of gentlemen than to take any thing a gentleman valued so much. Mr. Bradele asked him, if, as he had given him his ring, he would let him purchase his watch? upon which King said to Turpin, *Jack, here seems to be a good honest fellow; shall we let him have the watch?* ay, says Turpin, *do just as you will*;---and then Mr. Bradele enquiring what would be the price, King told him, *six guineas, we never sell one for more, if it be worth six and thirty*; upon which Mr. Bradele promised not to discover them; and said he would leave the money at the Dial in Birchin-lane; when Turpin cried out, *ay but King, insist upon no questions asked.*

'Twas about this time Turpin shot Mr. Thompson's man in the following manner. The reward for apprehending him had induced several to attempt it; among the rest, this fellow would needs go in company with a higgler. Turpin was unarmed, standing alone, and not knowing the man, took him for one poaching for hares, and told him he would get no hares near that thicket; *no*, says the fellow, *but I have got a Turpin*; and presented his piece at him, commanding him to surrender; Turpin stood talking with him, and creeping up to his cave, laid hold of his carbine and shot him dead, at which the higgler made off. This man's death obliged Turpin to fly, and he went farther into the country, in search of King, and sent his wife a letter to meet him at a public house at Hetsford, who went, with two of Squire H---s's servants; she waited for him about half an hour, and when he came to the house he asked for her by a fictitious name, left on

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purpose, found she was there, and going to her through the kitchen, saw a butcher to whom he owed five pound. The butcher taking him aside, *come Dick, says he, I know you have money now, if you will pay me, it will be of great service.* Turpin replied, his wife was in the next room, and she had money, and he would get some of her and pay him presently. The butcher apprized two or three then present who it was, and that he would get his five pound first, and then take him; but Turpin, instead of going to his wife, jumped out of the next window, took horse, and went away immediately without seeing her, while the butcher waited some time in expectation of his having the five pound.

From hence he went to King, and one Potter, whom they had then lately taken along with them; they agreed to stay till it was dark, and then set out for London, and coming over the forest, within about 300 yards of the Green-man, Turpin's horse began to tire. They overtook one Mr. Major, owner of white-stockings, the race horse, and although they were so near the house, Turpin ventured to rob him, took his whip, and, finding he had a better horse than his, made him dismount and change, and stay till he had changed saddles likewise, and then rode towards London. Mr. Major got to the Green man, and acquainted Mr. Boyes with it, who immediately said, *I dare swear 'tis Turpin has done it; or one of that crew, and I'll endeavour to get intelligence of your horse; this they have left you is stole, and I would have you advertise it.* This was accordingly done, and the horse proved to have been stolen from Plaistow marshes;

marshes; and the saddle he had kept was stolen from one Arrowsmith.

This robbery was committed on Saturday night, and on Monday following, Mr. Bayes received intelligence, that such a horse as Mr. Major had lost, was left at the Red Lyon in White-chapel; he accordingly went thither, and found it to be the same; and then resolved to wait till somebody came to fetch it; no body came at the time it was left for; but about eleven o'clock at night, King's brother came for the horse, upon which they seized him immediately, and taking him into the house, he said he bought it, and could produce proof of it. But Mr. Bayes looking on the whip in his hand, found the button half broke off, and the name Major upon it, seemed a confirmation of the thing; they charged a constable with him; but he seeming frightened, and they declaring, that they did believe the horse was for some body else, and if he would tell them where they waited he should be released; he told them there was a lusty man in a white duffel coat waiting for it in Red Lyon-street. Mr. Bayes immediately went out, and finding him as directed, perceived it was King, and coming round upon him attacked him; King immediately drew a pistol, which he clapped to Mr. Bayes's breast, but it luckily flashed in the pan; upon which King struggling to get out his other, it had twisted round his pocket and he could not. Turpin, who was waiting not far off on horseback, hearing a skirmish, came up, when King cried out, *Dick, shoot him, or we are taken by G--d*; at which instant Turpin fired his pistol, it missed Bayes, and shot King in two places, who cried out, *Dick, you have killed*

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killed me; which Turpin hearing, rode away as fast as he could. King fell on his being shot, tho' he lived a week after, and gave Turpin the character of a coward, telling Mr. Bayes, that if he had a mind to take him, he knew that he might then be found at a noted house by Hackney Marsh, and that when he rode away he had three brace of pistols about him, and a carbine slung. Upon enquiry, it was found, that Turpin did actually go directly to the house which King mentioned, and made use of these expressions to the man;---*what shall I do? where shall I go? d---n that Dick Bayes, I will be the death of him; for I have lost the best Fellow-man I ever had in my life; I shot poor King in endeavouring to kill that dog.* The same resolution of revenge he maintained to the last, tho' he had not the means of effecting it.

After this, he still kept about the Forest, till he was harrassed almost to death; for he had lost his place of safety, the cave, which was discovered upon his shooting the keeper's man; they found in his cave two shirts in a bag, two pair of stockings, part of a bottle of wine, and some ham; so that being drove from thence, he skulked about the woods, and was once very near being taken, when Mr. Ives, the King's huntsman, took out two *dry-footed* hounds to find him out; but he perceiving them coming, got up into a tree, and seeing him go underneath him, was so terrified at it, that he took a resolution of going away that instant for Yorkshire, which he executed. He made his journey by Lincolnshire, where he resided for some time at Lang-Sutton, in the neighbourhood of which he

he stole several horses, and at last was apprehended for a fact of that kind, but escaping out of the constable's hand fled immediately out of Lincolnshire to Brough, near Machet-Cave in Yorkshire, and staid some time at the Ferry-house in Brough; from thence he went sometimes to live at North-Cave, and at other times at Welton; and at these places he continued about fifteen or sixteen months, except at such times as he went to see his friends in Lincolnshire, at least that was his pretence. At his return from these journeys he used frequently to bring three or four horses with him, which he sold or swapped for others in Yorkshire. While he lived in this manner at Brough-Cave and Welton, he often took his diversion with the gentlemen of the country in hunting and shooting. Once, as he was returning from shooting, which was the beginning of October 1738, seeing one of his landlord's cocks in the street, he shot at it, and killed it; which Hall, his neighbour taking notice of, said to him, *you have done wrong in shooting your landlord's cock.* To which Palmer replied, *If he would only stay while he charged his piece, he would shoot him too.* Upon which Hall went and acquainted the landlord with what Palmer had done and said. The landlord immediately thereupon went with Hall to Justice Crowley, and obtained a warrant for apprehending the said Palmer; and the next day he was taken into custody, and conveyed before the bench of Justices then sitting in their general quarter sessions at Beverly, and examined by the justices of the East Riding of Yorkshire; who demanding sureties for his good behaviour,

and

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and he refusing to find any, they committed him to the house of correction.

Some persons of Brough and Welton having given informations to the justices, that Palmer frequently went into Lincolnshire, and usually returned with plenty of money, and several horses, which he sold or exchanged in Yorkshire; and therefore had good reason to suspect that he was either a highwayman or horsetealer; the justices the next day went to the said John Palmer, and demanded of him who he was, where he had lived, or what was, or had been his employment? to which he thus answered. *That about two years ago he had lived at Long-Sutton in Lincolnshire, and was by trade a butcher; that his father then lived at Long-Sutton, and his sister kept his father's house there; but he having contracted a great many debts, for sheep that proved rotten, so that he was not able to pay for them, he was therefore obliged to abscond, and come to live in Yorkshire.*

Upon this confession, the justices thought it necessary to send a messenger into Lincolnshire to examine into the truth of it, and accordingly ordered Mr. Appleton, clerk of the peace, to write a letter to Long-Sutton, and there in relate the whole affair. This letter they sent by a special messenger, who gave it to Mr. Delamere, a justice of the peace, who lived at the place. The answer returned by Mr. Delamere, was as follows: *That the said John Palmer had lived there about three quarters of a year, and was accused before him of sheep-stealing; whereupon he issued out his warrant against him, who was thereupon apprehended, but made his escape from the constable; and soon after such his escape, Mr. Delamere*
had

had several informations lodged before him against the said Palmer for horse stealing: and that Palmer's father did not live at Long-Sutton, neither did he know where he lived, therefore desired Palmer might be secured, and he would make farther enquiry about the horse so stolen, and would bind over some persons to prosecute at the next assizes.

Mr. Appleton, on the receipt of this letter, immediately wrote to Mr. Crowley, who, the next morning, came to Beverley, and understanding what a villain Palmer was, he did not think it safe he should stay in the house of correction, and therefore he was again required to find sureties, which he not being able to do, his commitment was made to York Castle, and accordingly he was sent the same morning, Oct. 16, 1738, to the said prison, hand-cuffed, and guarded by John Milner and George Smith, who, pursuant to their orders, conveyed him thither. When Palmer had been a prisoner in York Castle about a month, two persons out of Lincolnshire, came and claimed a mare and foal, which Palmer had sold to Capt. Dawson of Ferreby, and likewise the horse on which Palmer rode when he came first to Beverley, affirming that he had stolen it from them off Hichington-Fen in Lincolnshire. After he had been a prisoner in York-Castle about four months, he was discovered to be Richard Turpin, the famous Essex robber.

On the 22d of March, 1738, he was tried at York assizes before Sir William Chapple, Knt. one of the judges of the King's-Bench, on two indictments for horse-stealing, and on full evidence was convicted. After which, to prove that this Palmer was Richard Turpin the noted high-

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highwayman, Mr. James Smith and Mr. Edward Saward, who went to York assizes from Essex, by order of the justices of that county, being called upon to give their evidence, deposed as follows:

And first, Mr. James Smith being sworn, deposed that he had known the prisoner at the bar ever since he was a child; that his name is Richard Turpin, and that he was born at Hampstead in Essex; that he knew his father, and all his relations, and that he married one of his (this deponent's) father's maid. That it was about five years since he saw him last; that he taught him to write for about three quarters of a year: that the occasion of his (this deponent's) coming to York assizes was this: Happening to be at the Post-office, he saw a letter directed to Turpin's brother-in-law, who, as it was said, would not open the letter and pay passage; and on that account taking particular notice thereof, he thought at first he remembered the superscription, and concluded it to be the hand-writing of the prisoner Turpin; whereupon he carried the letter before a magistrate, who broke it open (the letter was subscribed John Palmer) and found it sent from York-Castle. This deponent knew his hand, and having seen several of Turpin's Bills, *a Letter being produced in Court, he was asked whether it was Turpin's letter?* he answered, it was, and that this was the cause of his coming down; and the reason of his taking notice of it was, his seeing the York stamp upon the letter. That on his coming to York Castle, on the first view of him he pointed him out from all the rest of the prisoners. And further; he knew him when he

he worked with his father, who was a butcher, which trade, he, the son, afterwards set up at Booker's-Hill in Essex, left it about six years since, and then kept a public house; but what became of him afterwards he knew not, only the last time he saw him, which was about five years ago, he sold him (the prisoner) a grey mare; and knew him to be the very Richard Turpin, the very son of John Turpin of the town of Hampstead.

Mr. Seward, the other person from Essex, being asked by the court what he knew concerning the prisoner, deposed as follows:

I have known the prisoner about twenty two years, he was born at the Bell, his father kept a public house. I knew him after he was set up, and have bought a great many joints of meat of him. I saw him frequently at Hampstead, and was with him often at his house there, and after he left it he came backwards and forwards. The last time I saw him was about five or six years ago; and I know the prisoner at the bar to be Dick Turpin the son of John Turpin, who keeps the Bell at Hampstead. When I spoke to him in the Castle I knew him again, and he confessed he knew me, and said to me two or three times, *Let us bung our eyes in drink*, and I drank with him.

Turpin denied that he knew this Mr. Seward, but seemed to own at last that he had some Knowledge of Mr. Smith.

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*Copy of a Letter from Richard Turpin,
after his Condemnation, to his Father.*

York-Castle, March
23, 1739.

Dear and honoured Father,

THE Witnesses I called to my character was William Thomson, Esq. Mr. Whitehead, and Mr. Gill, who not being so kind to appear as I expected, I have the misfortune to acquaint you, that I was convicted the day before yesterday at the assizes, and am to suffer the 7th of April next for horse-stealing: If you have any love remaining for your only dear son, I hope either you or my brother will go to Colonel Watson or Madam Peck, and if possible prevail on them to intercede for me, that I may get it off for transportation; I have no other hopes left but this, and this my last petition. From your unfortunate son,

RICHARD TURPIN.

*Copy of a Letter from John Turpin to
his Son Richard Turpin, prisoner in
York-Castle.*

March 29, 1739.

Dear Child,

I Received your letter this instant, with a great deal of grief; according to your request I have wrote to your brother John, and Madam Peck, to make what intercession can be made to Colonel Watson, in order to obtain transportation for your misfortune; which had I 100l. I would freely part
with

with it to do you good; in the mean time my prayers for you, and for God's sake give your whole mind to beg of God to pardon your many transgressions, which the thief upon the cross received pardon for at the last hour, tho' a very great offender. The Lord be your comfort; and receive you into his eternal kingdom. I am your distressed, yet loving father,

Hampstead.

RICHARD TURPIN.

P. S. All our loves to you who are in much grief to subscribe ourselves your distressed brother and sister with relations.

Copy of a Letter from John Turpin, Senior, to John Turpin junior, his Son, being the same referred to in the foregoing.

Hampstead, March
29, 1739.

Dear Son,

I Received a letter from your brother Richard the 27th instant, dated March 24, and he is to suffer the 7th of April, which is on Saturday seven-night, at York, on the suspicion of stealing a horse, or else a mare, his evidence not appearing according to promise. And now his last petitions are, that I or you, would go to Col. Watson in order to obtain transportation; tho' he hath been remiss in many things, yet let your bowels of compassion yearn towards him.---I'd have you, do as above-mentioned, and be as quick as possible. We are all at present in health, but deeply concerned to acquaint you with this, from your dear father,

JOHN TURPIN.

A Copy of the letter by means of which he was discovered to be Turpin, and which occasioned Mr. Smith the writing master's going to York.

York, February
6, 1738

Dear brother,

I Am sorry to acquaint you that I am now under confinement in York Castle, for horse-stealing. If I could procure any evidence from London, to give me a character, that would go a great way towards my being acquitted. I have not been long in this country before my being apprehended, so that it would pass off the readier. For heaven's sake, dear brother, don't neglect me; you'll know what I mean when I say, I am yours.

JOHN PALMER.

His Behaviour in York Castle.

Whether it was, that this hardened wretch had worked himself into a persuasion, that there was no God to take cognizance of his actions; that there are no rewards or punishments hereafter; or that his conscience, by a long course of vicious practices, was so callous and stupified, that it was impossible for the precepts of religion, and the consideration of a future state, to make any impressions upon him; yet certain it is, that Turpin, tho' one of the most notorious offenders, that this age has produced; yet, after sentence of death was passed upon him, was as jovial, as merry, and as frolicksome, as if he had been perfectly at liberty, and assured of an hundred

dred years of prosperity to come; and went off the stage with as much intrepidity and unconcern as if he had been taking horse to go a Journey.

But to come to some particulars. Turpin being committed to York-Castle, lived in as much pleasure as the liberties of the prison would afford, eating, drinking, and carousing with any body that would spend their time with him. Neither did he alter his behaviour even after his condemnation. After it was spread abroad, that he was the Turpin, who had rendered himself so notorious for his robberies in the Southern parts of England, abundance of people from all parts resorted daily to see him. It being about that time a subject very much disputed in all conversations, whether this man was the real identical Turpin, the Highwayman, or not; a certain young gentleman, who pretended to know him, went one day to see him, and having viewed him very circumspectly, he told the keeper he would lay him a wager of half a guinea, that this was not Turpin: which Turpin hearing, whispered the Keeper in the ear, *lay him the wager, I'll go your halves.*

He continued his mirthful humour to the last, spending his time in joking, drinking, and telling stories. He seemed to pay but little regard to the serious remonstrances and admonitions of the reverend clergymen who attended him; and whatever remorse he had upon his conscience, for his past villainies, he kept it to himself, not expressing the least concern at the melancholy circumstances he was in.

A few days before his execution, he bought himself a new fustian frock, and a pair of

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pumps, in order to take his leave of the world in as decent a manner as he possibly could.

The Manner of his Behaviour at the place of Execution.

The morning before Turpin's execution, he gave three pound ten shillings amongst five men, who were to follow the cart as mourners, with hatbands and gloves to several persons more. He also left a gold ring, and two pair of shoes and clogs to a married woman at Brough that he was acquainted with; though he at the same time acknowledged he had a wife and child of his own.

He was carried in a cart to the place of execution, on Saturday, April 7, 1739, with John Stead, condemned also for horse-stealing; he behaved himself with amazing assurance, and bowed to the spectators as he passed. It was remarkable, that as he mounted the ladder, his right leg trembled, on which he stamp'd it down with an air, and with undaunted courage looked round about him; and after speaking near half an hour to the Topsman, threw himself off the ladder, and expired in about five minutes.

His corps was brought back from the gallows about three in the afternoon, and lodged at the Blue Boar in Castlegate, till ten the next morning, when it was buried in a neat coffin in St. George's Church-yard, without Fishergate Postern, with this inscription, *I. R. 1739. R. T.*

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aged 28. (He confessed to the hangman that he was 33 years of age.) The grave was dug very deep, and the persons whom he appointed his mourners, as above-mentioned, took all possible care to secure the body; notwithstanding which, on Tuesday morning, about three o'clock, some persons were discovered to be moving off the body, which they had taken up; and the mob having got scent where it was carried to, and suspecting it was to be anatomized, went to a garden in which it was to be deposited, and brought away the body through the streets of the city, in a sort of triumph, almost naked, being only laid on a board, covered with some straw, and carried on four men's shoulders, and buried in the same grave, having first filled the coffin with slacked lime.

The Trial of MARY YOUNG, alias JENNY DIVER, and ELIZABETH DAVIS, alias CATHERINE HUGGINS, for a Robbery.

MARY YOUNG, alias JENNY DIVER, and ELIZABETH DAVIS, alias CATHERINE, the wife of Henry Huggins, were indicted for assaulting Judith Gardner on the King's highway, and robbing her of twelve shillings in money, in the parish of Woolchurch, Jan. 19, 1740-1.

Judith Gardner. Last Saturday night, about six or seven o'clock, I was coming out of Sherburn Lane, and had thirteen shillings and a halfpenny in my pocket. There were some boards

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boards laid over a wet place at the corner of the Mansion-house, and a man laid hold of my arm, and said, he would help me over the boards; I said, if I wanted any assistance, I could give the man a halfpenny. Notwithstanding that, he held my arm up a great height, and numbed my fingers so that I had no use of them. While he was doing this, the prisoner, Young, came before me, and immediately I felt her hand in my pocket; upon that I put my hand in my pocket, and seized her by the wrist; her hand was clenched in the bottom of my pocket. Upon my doing this, she, with her other hand, gave me a great blow on the side of the face, so that I was obliged to quit her hand that was in my pocket, else I should not have lost my money. I then took fast hold of her cloak, and never left her till I got assistance to take her from me. The man immediately quitted me, and ran away: I cried out, *for God's sake stop that man, for he held me while the woman has robbed me.* A coal-heaver happening to come by, laid hold of him by the collar, and that other woman, Davis, went up to the man and helped to get him away; she said, she knew him for he was a very good house-keeper, and lived the other side of Moorfields. She did not molest me, but endeavoured to get the man away from my friend, and, on his escaping, was secured. I am sure the prisoner, Young, is the person whose hand I took in my pocket: and I lost out of the thirteen shillings and a halfpenny, two half-crowns and seven shillings. I can't say how near Davis was to me, but she helped to pull the man from the coal-heaver, and Young dragged me till she

came

came up to them. Davis, on the escaping of the man was secured by the coal-heaver.

Samuel How, the coal-heaver, confirmed the above-evidence in relation to himself; and others, who saw the affair, deposed to the same effect; and the prisoners, having very little to say in their defence, they were both found guilty.

Death.

The account Mary Young gave of herself, and the transactions of her past life, was as follows.

Mary Young, alias Murphew, alias Webb, alias Jenny Diver, (whose true name was Mary Young) was so great a proficient in her art, that she got the name amongst her companions of Jenny Diver, or Diving Jenny, from her great dexterity in picking pockets, which she practised about fourteen or fifteen years; was born in the North of Ireland, but was entirely ignorant of her family. When she was about ten years of age, she was put to school by an old woman she called nurse, who bestowed some small learning upon her, as writing, reading, and plain work, which latter she was dextrous at, being reckoned an extraordinary work-woman at her needle. When she was about fifteen years of age, having an itching desire to see London, and quarrelling with the old woman who kept her, she made an agreement with the captain of a ship who was to sail in three days. Now her next scheme was how to leave the old woman, and get her cloaths handsomely away, and money to bear her expences in her passage, and when she came to England, to live on, till she could get into some business, for as yet she had not imbibed

imbibed any principle to wrong or defraud any body, as she herself confessed.

There was a young fellow who had paid his addresses to her in quality of a suitor, for the space of a month; and being very solicitous to persuade her to become his wife, she told him there was but one way to make them both happy, and that was to go to England, telling him, the old woman, her nurse, would never consent for her to marry him, and if he really loved her, as he pretended, he would soon comply with her request; the young fellow being overjoyed at this proposal, promised her he would. She then told him, she had already agreed with the Captain, who was to sail in about three days, and directed him where he lived, desiring him to get things in readiness by that time; he promised he would, and took his leave. Accordingly the young fellow, who was a servant to a gentleman of fortune, and being willing to bring his new bride a handsome sum to support expences, robbed his master of upwards of eighty pounds and his gold watch, and both getting on board, she for fear of her nurse, and he for fear of being discovered, the ship hoisted sail, and arrived two days afterwards at *Liverpool*.

As soon as they came a shore, Jenny being sea-sick, her spark proposed to stay two or three days, in order to refresh themselves, before they proceeded to London; so he, for fear of being known, got a lodging at a private house in the town. The day being come when they designed to part, he packed up her cloaths and his own, and put them in the hands of the waggoner, in order to be carried to London.

proposing

proposing themselves to follow, and so walk easy days journeys, till they got safe to town. This being agreed upon, they went to a public house, in order to get some refreshment before they set out; and as soon as they came in, who should be there but a person sent in quest of him by his master; the young spark was extremely surprized, and would have retreated faster than he came in, but it was too late, for the person seizing him, told him he was his prisoner, and immediately carried him with a great mob before the Mayor. As soon as they came there (Jenny following him at some distance, for in the hurry and confusion nobody took notice of her) she heard him confess the robbery of his master, but never mentioned a syllable about her. Now, just before this accident, he had given her ten guineas to put in a little purse of hers; the rest of the money, and the watch being found on him, he was committed to prison. As soon as Jenny heard this, she went aside to a public house, and wrote him a letter, expressing a great concern for his misfortune, and promised to return his things which were packed up for London, and likewise the money she had of him when it was in her power. So done, she made the best of her way to town, never, as she confessed, being the least dismayed at this accident. After the hurry was a little over, she was as good as her word; for as soon as she arrived at London, she sent his things, and, some time after that, his money. He was cast (after she had been in London some time) for his life, but was transported afterwards.

As soon as she arrived at London, she got acquainted with one J. Murphy, who was her country.

countrywoman, who took a lodging for her in Long-Acre, where she proposed to take in plain work; but business not coming in according to expectation, Murphy takes her aside one day and thus expostulates the case with her: Jenny says she, trade being dead, suppose we will take a new method of life, which at present you are a stranger to, but what I am acquainted with. Jenny being mighty desirous to know what that was; why, replied the other, if you will go along with me this evening, you shall be instructed in this new art; but I must first swear you to secrecy, for fear, if you should not like it, you should discover. Upon which Jenny promised she would obey her directions in all particulars, and swearing secrecy, she was admitted into the society that evening, which consisted of four persons, two men and a woman with herself; their business, that evening, was to go upon *Cheving the Froe*, (that is, cutting women's pockets) in order to do this, they attended the two Theatres after the play was over she was appointed (as being a young novice in the art) to stand *Miss Slang all upon the safe*, (that is, to stand safe at a distance, as if not one of the gang, in order to receive the things stolen.) They got that night two diamond girdle buckles, and a gold watch, which they fenced at a Look of 70l. now Jenny had but 10l. for her share, for reason she did the least execution, and was least in danger.

Jenny, finding money coming in pretty fast this way, applied herself very diligently to this new study; and in order to be the better versed in it, and learn the cant language, one of her companions used to come every day, for the purpose

purpose, and soon became a good proficient in it: Jenny's master coming often to instruct his new pupil, they contracted such a respect for each other, that they agreed to live together.

Jenny soon became a complete artist, and got great reputation among her companions. One day, when they were all out together upon business, at a noted meeting-house in the Old Jewry, where abundance of people were crowding to get in, Jenny, being very genteely dressed, observed a gentleman who was a very *Rum-muns*, (i. e. a great beau) who had a very *Glim Star* (a ring) upon his *Feme* (his hand) which she longed to make, gives the hint to her companions to *bulk the Muns forward* (that is, push) they pushed him quite in; whereupon the meeting being pretty full, as soon as he was in, Jenny held up her hand to the young spark, that he might help her forward, which he perceiving, very complaisantly gave her his hand, in order to assist her, which she readily accepting of, she griped his hand very fast, and while she had hold of his hand, the people who were on the outside striving for entrance, and Jenny's companions pushing forward, in the scuffle she squeezed his hand so hard that he was glad to get it away, and did not perceive her to take off his diamond ring, which as soon as she had effected she slipped behind her companions, saying at the same time, 'tis in vain to get in, I will come another time, when there is less croud; her companions conveyed her clean off, before the gentleman had time to miss his ring, who called out to stop the woman, but she was brushed off: This gained her great applause among her companions, who now

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appointed her an equal share of every thing they got.

The next exploit Jenny went upon was, *Slanging the gentry most rumly with a sham Kinchin* (that is, *cutting well the women big with child*) which was thus performed: Jenny had got two false arms made, and hands, by an ingenious artist, and dressing herself very genteelly, like a citizen's wife big with child, with a pillow artfully fixed under her coats for that purpose, and her arms fixed on, she, by the contrivance of the pillow, hid her real ones under her petticoat, and the artificial ones came cross her belly; dressed in this condition, with one of the gang in the habit of a footman, she takes a chair, and goes, (it being on a Sunday evening) to the meeting-house already mentioned. Now it was so contrived by the rest of the gang, that one should go before as a scout, and bring word to the supposed footman, in what part of the meeting to set the *rummest Froes*, likewise to *saweer* clearly (i. e. *to keep a good look-out*) that they should have *vid Loges* (*repeating watches*) by their side, that Jenny's footman might place his mistress accordingly.

Now it was so ordered, that our big-bellied lady was placed in a pew between two elderly ladies, who had both repeating watches by their sides; she sat very quietly all the time of the service, but at the conclusion of the last prayer, the audience being standing, she took both the ladies watches off, unperceived, and *tipped* them to one of her companions, who was ready planted for that purpose (and who went and tipped them to the *slang upon the safe*, and then went back to be ready for business.) Now the congregation
break-

ing up, every body was in a hurry to get out, and the gang surrounded the ladies in order to make a greater croud, and help Jenny off if she should be *smoked*.

The two ladies had no sooner got out of the pew to the door, but they missed their watches, and made a terrible outcry, which alarmed that part of the audience, who, enquiring what was the matter, was answered, that the ladies had lost their watches; and, being asked again, who took them, answered, nobody unless it was the D---l or the great-bellied woman, who was now got far enough off. Nay, says one of the ladies, that's impossible, for she never moved her hands from off her lap all the time of the service. In the mean time Jenny was slipped out to a house hard by, and had altered her dress, delivered herself of her great belly, and returned in haste to her companions, in order to assist in helping off with more moveables, such as gentlemen's watches, and *chiving* the *froes* of their *bungs*, i. e. to cut off the womens pockets.

They were very successful that day; for when they went to their *biding* (where they divide their booty) on examining the contents of their plunder, they found three *bungs*, with *sowers* (*purses*) in each *sower* ten *ridges* (*guineas*) and two *vid lodges*. These with the money they had got, and two *tales* (*swords*) amounted to thirty *ridges* a-piece, after they had *fenced* the *loges*, &c. which was all carried abroad, and disposed of by Roger Johnson, since dead.

After this expedition, the gang consulted together, and thought it proper not steer that way for some time, for fear of being discovered.

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Jenny got such a name by this last exploit, that they all swore to act for the future according to her directions in every thing; she thanked them, and then made the following speech.

‘ It is now two years since I entered into this honourable society, and I think it is a duty incumbent on me, to advise for our general preservation, that the following articles ought to be made for the use of our gang.

‘ I. That no one else be admitted without the consent of the whole gang.

‘ II. That no one person presume to go upon any thing by him or herself, upon pain of being entirely turned off, and left to shift.

‘ III. That if any new member be proposed by any of the gang, that he or she shall be a month upon trial, and all that time shall be instructed at convenient seasons in the cant tongue, so that they may speak intelligibly to nobody but the gang.

‘ IV. That if any of the gang should happen to be taken upon any one action, that the rest shall stand by him or her, and swear any thing in order to get such released; and if convicted, a sufficient allowance to be given him or her in prison out of the common stock, that they may live in a gentleman or gentlewoman-like manner.

These articles were agreed to and signed by them all.

Their next adventure was in St. James's-Park upon a fine day; when abundance of people of fashion were walking. In that place, Jenny being

ing well dressed, and her sham great belly, and one of the gang in the habit of a servant attending her, they took the opportunity, coming out of Spring-garden-gate, when a great concourse of people were crouding, for the lady to make a false step and stumble; presently abundance of good-natured gentlemen and ladies, seeing a big-bellied woman ready to fall, were very busy in lending their assistance; notwithstanding which the lady contrived fairly to fall down, and when they went to help her up, she made signs, and gave them to understand, that she had so hurt herself that she could not presently recover so as to be able to stand upon her legs; by this time more people came up to see what was the matter, and she had so ordered it as to fall just in the middle of the passage; and while the croud was gazing on, and commiserating her case, the rest of the gang were very busy in speaking with their pockets, diamond girdle buckles, &c. They managed their business so dextrously, that they got by this adventure, two diamond girdle buckles, a gold watch, a gold snuff-box, and two purses containing upwards of twenty guineas. The next day the buckles, watch, &c. were advertised, and a large reward offered for them, which Murphy offered to restore for the reward, when Jenny started up, and asked, who would venture home with them? I, say Murphy; would you? do you not consider the consequence of returning them? why? replied the other, there are no questions to be asked. What then? replied Jenny, suppose there be not, apprehend you no further consequence than that? no, replied the other. Why then, returned Jenny, my reason is this: suppose you go home with them,

and get the reward offered, here lies the case, the parties injured will, tho' they ask no questions, take particular notice of your person, and some time or other when you are out upon business, you may be *snoaked*, and then perhaps all may be *blown*; so my advice is, that whatever things may be got, tho' we can fence them but for two thirds of the value offered, yet its much the safer way, and less dangerous. This reason the gang applauded much, and presently consented to send them to their usual *fence*, and the gang, for the future, very seldom made restitution.

Some small time after this last adventure, two of the gang fell sick, and were incapable of turning out upon business for some time, now Jenny and her quondam spouse were obliged to turn out by themselves upon the *slang-mort* lay, described in the following adventures.

Jenny being dressed as a big-bellied woman, and her spouse as a footman in a livery, used to take the opportunity of the master of the house's absence in a genteel street, when her pretended footman knocking at the door, asked if the lady of the house was at home, and being answered yes, used to say, my lady here is taken ill, and desires to speak with your mistress; and so being introduced, they were **not** idle upon the occasion, but made what they could that lay in their way. One day, Jenny and her servant being upon business of this nature in Burr-street near Wapping, Jenny's servant knocked at a door, and a person coming and enquiring his business, my lady, says he, there, pointing to Jenny, is a little out of order, and, being some distance from home, desires to
speak

Speak with your mistress; the servant desired the lady to walk in, and said, she would fetch her mistress presently, who was above stairs.

So directly in goes Jenny grunting and groaning as if she was half dead. Down comes the mistress, and sends the maid up stairs in a hurry for a chamber-pot; while she went to fetch the smelling-bottle. While they were gone Jenny took the opportunity of opening the drawer, and taking out a fine dressed suit, worth sixty guineas, which she put in a place made on purpose in the inside of her large hoop, and was got sitting in her chair by the time the lady returned in a very moving melancholy posture, pretending to be almost dead. As soon as the lady came, and her servant with the pot, the pretended footman was ordered into the kitchen, who had till then attended his mistress, but out of decency, was desired to walk down till his mistress wanted him; while he was in the kitchen, he took the opportunity to convey half a dozen silver spoons, a salt and a pepper-box into his pocket; and as the lady and her maid above stairs were very busy in applying her smelling-bottle to madam's nose, she took the opportunity to convey the lady's purse out of her pocket; when she had so done, pretending to be a little better, asked the lady's pardon for the extraordinary trouble she had given her, and returning many thanks for her great care and kindness, desired her man might be called to get a coach, which he did in a trice, and ordered the coachman to drive to Mr.--- naming an eminent merchant near Tower-street, at the same time taking leave of the lady, and inviting her to the afore-said

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said merchant's, but as soon as the coachman had drove out of sight, he was ordered to stop, and madam Jenny, pretending she could not ride easy in a coach; here, John, says she, give the coachman a shilling, and let him go about his business. As soon as this was done, John and his mistress retreated another way, and went clean off with the booty. Two or three facts of this nature put a stop to their proceedings, the circumstances which attended the committing of it, being put into the public papers, so that they thought it safest to desist from any more tricks of this nature.

Some days after, Jenny's companions recovering, they pursued their old adventures with great success; for in less than three years; they acquired above 300 l. a piece, besides expences, by these illegal practices.

About this time the gang agreed to go into the country upon business there; so they took a progress down to Bristol in the time of the fair, kept there in the summer season. Here they thought it necessary to admit a new member, whom they found at the place, who was esteemed a good hand upon the *twang adam cove* (that is, *could draw a man in by a fine tongue, or way of talking off those whom they had a design to impose upon*) him they admitted after reading the fore-mentioned articles, and swearing him to secrecy. Here it was thought proper to metamorphose one of them into the habit of a servant in livery. The two women passed for gentlewomen, merchants wives in London, who came down to see the fair, and the two men for persons who came there as dealers; and in order to accomplish their intended

tended designs, they lodged at separate places, that so, if any of the gang were detected, the others might appear for their character, as acquaintance meeting there; they had their lessons so perfect, that they knew one anothers meaning almost by a nod.

One day the whole gang being in the fair, they espied a West country Clothier, who had just received a parcel of money, to the amount of 100 l. which he had given to a servant, and ordered him to carry it to his lodgings, and lock it up in his bureau, and return in about an hour to the Fountain Tavern in High-street. The whole gang followed the fellow, and jostled him in the croud, but he was so careful of his bag that they could not get it from him by this means. Upon this, one of the gang stepped after him out of the fair, and gave him a tap on the shoulder, friend, says he, did not you part with your master's just now, and did not he order you to go home with a bag of money; yea, replied the countryman, *and what then?* oh! says he, your master has altered his mind, and is on the point of agreement for some goods with my mistress, and desires you will bring it, in order to pay for them, to the ---- naming the house where Fenny and the rest of the gang were gone to. Oh! *moighte well, moighte well!* says the poor credulous fellow, *I se go wi' you;* so cheek by sole they went along together.

In the mean time I, who was dressed as the supposed lady's servant, amused the countryman with what a handsome rich lady his mistress was, and how glorious he lived with her, and how free she always used him.

When

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When they came to the house where the gang were waiting, Jenny's supposed servant introduced the countryman, whose master's name he had artfully got as he came along. When they entered the room, who is this honest man? says Jenny. Madam, says he, it is Mr. S---'s servant, come according to his master's order. Oh! honest friend, says she, sit down, your master is gone a little way, and will return presently, but you must stay till he comes back. *Yea, yea, madam*, says the countryman, *I shall wait on your ledship*. Come, honest friend, says she, will you drink a glass of wine? *no, ife thank you madam*. Come, come, don't be bashful, you shall drink; so pouring out a glass he drank it off: come, now you must drink another towards your master's health. 'Sbleed madam, says the countryman, *Ife drink that, tho'f'twas a whole mile to the bottom*; so drank it off. Now, says Jenny, you must drink my health. The countryman with the two first glasses, being pretty much spirited, chattered, *ads waunds, madam, that Ife do thof'twas as deep as the Sea*; and *I codd---* and off it goes; well done, honest friend, says Jenny. Now every glass the countryman drank was mixed with a certain quantity of liquid laudanum.

As soon as she had done this, here John, says she, take this honest fellow, and treat him handsomely till his master comes; so the poor countryman, making twenty awkward scringes and scrapes, went out, and was conveyed to a more close room, convenient for the purpose, along with his new acquaintance.

When

When they had been there about half an hour, and drank three or four glasses of more wine, the countryman began to yawn, and in some small time fell fast asleep, immediately the signal was given, and the gang came in, took the poor fellow's bag of money, payed the reckoning, and ordered the waiter not to disturb the poor man, who was weary, but let him have his nap out. They went away, and going separately to their lodgings, they got their things in readiness, and made the best of their way for London, leaving the poor country fellow to curse his new acquaintance.

They made so many things at this fair, that when they came to town, and *fenced* them, they shared fifty pound a piece, besides expences.

By these means the gang supported themselves in the most splendid manner, sometimes living very profusely, like people of quality; only they kept up what they called a common stock, to support themselves in case of any disaster, which was thus raised; when any booty was got and sold, a tenth part was put by, to relieve the gang in time of need, and the remainder was equally divided among them.

The usual places of the gang's resort in London, when there was no extraordinary croud any-where else, was the Change, the Bridge, &c. One day being upon business at the last mentioned place in the evening, the gang espied a lady very well dressed, on foot, walking over, and when she had got about half way, a sudden hurry of carts and coaches coming over at the same instant, she stood up at a door in order
to

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to avoid them. One of the gang, being genteelly dressed, steps up and says, *have a care madam*; and so standing before her, catches hold of both her arms, that she should not be at liberty to *tout* the rest, and holds them up.

In the mean time Jenny and the rest of the gang were very busy with her, and they were so detestable, that before the coaches got by, they made her pocket, and walked off with it. When they came to examine its contents, they found in it upwards of thirty guineas, a gold snuff-box worth six guineas, and a case of silver instruments.

The next day, being upon business the corner of Change-alley, they got a pocket-book in which were found two hundred pound bank notes, which were sold to their old friend John for 130 l. ready cash.

Jenny now took genteel lodgings not far from Covent-garden, and, living in a very gay manner, kept a servant to wait on her, and her supposed spouse.

One night, when his majesty was at the playhouse, the gang dressed Jenny very gay, like a person of quality, and going in her chair with a footman before her, she got a place in the middle of the front boxes; but having no opportunity to do any thing while the play was performing, she came out before the entertainment was over, handed by a young beau, whom she had picked up. She founding him, found he was a country young gentleman lately come from York.

The spark, being very much enamoured with his new mistress, desired the honour of conducting her home to her lodgings. Laird, Sir, said

ne, that is impossible, for I am married, and if I should let a strange gentleman wait on me at home, what do you think my spouse would say? then, madam, said the youngster, permit me the pleasure of waiting on you to drink a glass of wine. Sir, says she, it is what I don't care to do, but added with a sigh, if I thought you was a man of honour, I durst venture to drink a glass of wine, for sure there is no harm in that; but I am told, that there are too few men of honour, it is hard trusting. Madam, replied the enamoured spark eagerly, I would sooner kill myself than hurt your reputation. Jenny seeming to be overcome, went with the spark to the Rose, the corner of the Theatre, and he calling for a room, said a hundred fine things to his new charmer. After Jenny had drank a glass, and sat a quarter of an hour, she seemed uneasy, and wanted to be gone; our young spark used many entreaties for her stay, but she positively insisted upon going (for as yet she had not given the gang necessary directions upon this new affair, so to be sure she could not stay) then the young spark insisted upon going with her, but she begged he would not trouble himself; yet with much entreaty on his side, the last request was, with some seeming difficulty, granted.

Then he called the drawer, and ordered a hackney coach to be got ready, and handed the lady in with much complaisance. Jenny ordered the coachman to drive slowly to her lodgings, naming the place where she lived, and as they were going home, he pressed hard for the seeing her again. She told him, her

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husband would be out of town in two or three days, and in that time he might call upon her. By this time the coach came to the door; so Jenny requesting the favour that the spark would sit still till she got out, and get out himself at some other place for fear of her husband, said she would be glad to see him in two or three days, and in that time she would prepare for his reception.

The young gallant overjoyed, took his leave; so Jenny got out of the coach, and going up stairs, found the gang come there before, for it seems the signal was for her to stay till the play was done, and she coming out before, they had missed her. As soon as she entered the room they began to upbraid her, for being out of the way, for it seems, by wanting her, they lost their right-hand, for they made but one gold snuff-box that night; but she soon pacified them by telling them her adventure, and what she intended to do.

The evening being come, in which Jenny's spark was to appear, he came very gay, with a gold watch in his pocket, a gold-hilted sword by his side, a diamond ring on his finger, and a gold-headed cane dangling in his hand.

Jenny, being ready to receive him, had dressed up two of the gang in rich liveries, and Murphy as her waiting woman very gay, and the lodgings being very genteel, all things seemed to look very grand.

The young spark seeing this grandeur, seemed quite amazed, and no doubt thought her some person of quality, as he afterwards told her; by and by up comes a bottle of wine, and some

some rich sweetmeats, then the footman was ordered to withdraw. Now, Sir, says Jenny, you must think I have great respect for you, to be so free with you in this manner; I hope you are a gentleman of more honour than to tattle of a lady's favours. He replied, he would sooner cut his tongue out. After some little discourse, Jenny gave him to understand that she did not expect her husband till very late that evening, so the spark begged hard, that during that time, she would make him happy in her arms. In short, she so contrived matters, that she made him believe none of her servants knew any thing of the affair of his stay, except her faithful chambermaid and confidant; so conducting him into her bed-chamber, the young spark being eager to enjoy his mistress, soon slipped off his cloaths and got into bed; she pulled hers off more slowly, pretending to be very bashful, upon which he jumped out of bed in order to assist her; as she was unbuckling her shoes, she pretending to be modest, caught hold of his hand, and seeming to admire his ring, took it off his finger, and put it on hers; as soon as she had got into bed, the signal was given from the supposed maid, who knocked at the door, and told her that her master was come home. Jenny immediately jumped out of bed, oh! says she, what shall I do; I am inevitably ruined! Madam, says her lover, what shall I do? Oh! Sir, said she, I have hit it, get into bed, and cover yourself all over head and ears, and I'll take your cloaths and hide them, lest perchance he should take it in his head to come into this room, and in the mean time

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I'll go and persuade him that I am not well and perhaps I can make him lie by himself to-night, which if I do then I can have the pleasure of being with you this evening.

The spark immediately did as he was ordered, and Jenny slipping on her night-gown &c. went out of the room, and locked the door after her; and coming to the rest of the gang, they held a consultation; the result of which was, immediately to quit the lodging, and leave poor *pill-garlick* in the lurch which was immediately put in execution and the poor unfortunate innamorato left locked up by himself. The contents of this booty when the moveables were *fenced*, amounted to 250 l.

After this exploit, the gang retired into the country, where they carried on their adventures very successfully for the space of half a year, then came to town, where she had not been long, before she was taken up for shoplifting, and was convicted for transportation.

She lay in Newgate almost four months, and then was transported. During the time of her confinement she turned *fence*, and bought such things as came in her way, having a quantity of money by her, and knowing this business could no ways affect her, she being cast already; and when she went away, had as many goods, of one sort or other, as would almost have loaded a waggon. When she came on board, she was treated in a quite different manner from the rest of the transports, and was put ashore at the first port they came to in *Virginia*. Jenny staid no longer there

there than to see the country, for business in her way could not be transacted there; and therefore took the first opportunity of procuring a passage for England.

When she came back, she did not immediately come to town, but took a progress round the country; and after she had sufficiently tired herself, and the country people with her exploits, she came to London, where she, and some others, used to resort, about London-Bridge, the Royal Exchange, the Play-houses, and St. Paul's.

In April, 1728, she was tried by the name of *Jane Webb*, for picking the pocket of M^s. Rowley, who had been at St. Paul's to hear the rehearsal; one Mr. Addy, who detected her, was offered fifty pound not to appear against her on her trial; but he, like an honest man, refused it. At the very time Mr. Addy seized her for picking the pocket of Mrs. Rowley, she was going to pick the pocket of Dr. Best's lady. Another person, who appeared against her on her trial, said, he saw her pick twenty pockets that day, and had known her to be a pick-pocket these five years; she was found guilty, and ordered for transportation, and accordingly was transported, but returned again, and followed her old practices, till she was detected for robbing Mrs. Gardner near the Mansion-house, on the 17th of Jan. last; for which robbery she was capitally convicted, and suffered.

All the while she was under sentence of death, she never omitted coming to chapel, behaving very devoutly, and seemingly very penitent for her past wicked life. The day

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before she died, she sent for the nurse that nursed her child, which was about three years of age, and desired she might see it, telling her the child would be taken care of, and desiring her to give it good advice, and instil good notions into its mind, when it was capable of receiving them, which the nurse faithfully promised to perform while she lived: on which Jenny replied, I don't doubt of your love for my poor child, and so God bless and protect you; pray for my poor soul while I am living, for I have greatly offended my good God.

The morning she went to execution, she seemed very composed; but when the officer came to halter her in the Press-yard, she was very much shocked. She was conveyed to the place of execution in a mourning coach, attended by the Revd. Mr. Broughton who went and prayed with her in the cart. After some time allowed for her devotions, she went off the stage crying to God for mercy, Christ have mercy on me, Lord receive my spirit, sweet Jesus receive my spirit, &c.

She was executed March 18, 1740-1, and interred in the Church-yard of St. Pancras.

*The Trial of JAMES HALL, for the Murder
of his Master.*

JAMES HALL, of St. Clement's Danes, was indicted for the murder of John Penny, Gent. his master, June 18, 1741.

He was a second time indicted for stealing a silver case for instruments, a lancet, a pair of scissars, a pair of tweezers, twelve guineas, and twenty half-guineas, the goods and money of John Penny, Gent.

To which indictments he pleaded Guilty.
Death.

The Ordinary, in his account, says, that James Hall was thirty seven years of age, of honest and reputable parents at Wells in Hampshire, who put him to school where he was taught reading, writing, and accompts, sufficient to fit him for any business he might chuse. But James being of a roving temper, not liking confinement, came to London, and chose to live as a servant to a Mealman.

He married a wife, who, he said, was not a woman of the best character; however, he lived with her some years, and had several children by her, now dead. At length they had so many disputes and quarrels together, that neither of them had a moments peace, so that they mutually agreed to part, and accordingly made a formal separation; and after a few years he married another wife, who visited him sometimes while under confinement, and brought with her their little daughter of two years and a half old.

Hall had been a servant to John Penny, Esq. principal of Clement's Inn, upwards of seven years. His master being a single gentleman, lived in his chambers in Clement's Inn, and had nobody with him but Hall, to whom he had ever been a kind master.

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As to the particulars of the murder, of which he was found guilty, as Hall himself has given a more circumstantial account than the Ordinary has done we chuse to relate it in his words.

Some days before his trial came on, he being conscious of his own guilt, and labouring under the horror of an awakened conscience, sent for one Mr. Hawkin's of Queen-hithe, a very honest man, (who had taken some pains to bring Hall to a confession) and desired him to come to him on Sunday the 23d of August, which he did; when Hall confessed to him the horrid murder, with all its barbarous circumstances, but particularly desired him he would not tell it to any one till he saw him again. Accordingly the Tuesday following, Mr. Hawkins went to him; when he desired Mr. Hawkins to acquaint the dean of Litchfield, and Mr. Wotton, Nephew of the deceased; which he did; and they all three (with another gentleman) came to Hall in Newgate, when he confirmed what Mr. Hawkins had told them, which was as follows.

I had a design to murder my master for about a month or more before I did it; and, having kept pretty much company of late, and spent what I had, and being in debt, I was resolved to stay no longer. Accordingly June 17, having drank myself to a proper pitch, I determined put my design in execution.

That night my master came home between eleven and twelve, and I pulled off his shoes and stockings and he pulled off his breeches in the dining-room, and was walking to his bed-side, with his under-stockings on, when I came behind him in his bedchamber, (it being soon after twelve)

twelve) and with a large oaken stick, which I had kept under his bed some time for that purpose, and which I had bought with a design to murder him with, knocked him down at one blow; and I am very sure he never knew who struck him, or was sensible of any pain; after this I gave him two or three blows on the head, and believe he was quite dead, for he neither sighed nor groaned: this stick I had in my hand eight or ten times before, with a design to murder him, but my heart always failed me till now.

It is impossible to express the horror and confusion I was in at what I had done, and I would have given a thousand worlds if I had them, that I had not done so cruel an act, and I hated myself for the barbarity of the action, and yet the power of the devil was so great, that he prompted me to cut his throat, which I had no occasion to do, for he certainly was dead, or dying, when I began.

In order to do this, I went into the dining-room, and stript myself stark-naked, that no blood might appear on any of my cloaths or linen, and then took a little black-handled penknife (with which my master used to cut fruit and cheeses) and cut his throat, from whence issued such a vast quantity of blood, that it filled almost five chamber-pots, when mingled with a little clean water; which I did to make it pass through the sink at the door the more easily; three of which pots thus mixed, I flung into the sink, and two into the coal-hole.

Then I tied his black waistcoat, which he wore that day about his neck, which, being lined with duffel, I thought would the more easily suck
in

in the blood from his throat. As soon as this was done, naked as I was, I flung him across my shoulder, and run with him to the bog-house, and threw him in head foremost, about one, or soon after in the morning, at the large hole, where they empty close-stools.

The horror and fear I was in was so great, that I rather flew than ran, and never felt the ground under me. As I returned from the bog-house, my fears and apprehensions were such, that the Inn appeared as if all in a flame of fire.

When I came back to the Chambers, I took my master's coat, bloody shirt, the stick I knocked him down with, and some rags I had made use of in wiping up the blood, and run a second time naked down to the bog-house with them, and threw them into the second seat of the necessary house, on the left hand, opposite to where I had thrown the body down, and where I believe the relations found them. After this, I opened the writing-desk, scrutore, &c. and took about thirty six guineas out of my master's pocket and the writing-desk, which I put into my master's green purse which I found in his breeches pocket; I took also several useless things, as wax, franks, &c. which with the purse I carried to Mr. Knight's, the taylor, on the 18th, who, upon my commitment to Newgate, delivered them to Col. Deveil. My master's two mourning rings I had taken from his fingers before I carried the body out of the chambers, and which Mr. Wotton has found where I directed him. I was under such confusion, while searching the chambers, that I scarce looked over half the drawers

drawers and places, or scarce knew what I took.

After this, I was all the remaining part of the night washing and rubbing the room with cloths, but found the blood very difficult to get out, which made me wet them again, and light the fire in the morning to dry them, and then I went to fetch Mrs. Laws the Laundress, to wash them over again, telling her my master had bled over-night at the nose, and smeared them.

All that day I went from place to place, but could find no rest, or be easy, the horrid murder of my master still running in my mind. But, though I had done so foul a crime, all my thoughts were taken up how to conceal it; and the body being in so secret a place, I thought would not be found, whereupon I went on Friday morning, June 19, to Mr. Wotton, my master's nephew, to enquire after my master, and to tell him he lay out all night, and that he went out the day before by water, and said he would return at night, but did not, and I was afraid he was come to some harm, tho' I never told him that my master bled at the nose over-night, and blooded the rooms, as I did the Laundress, for he asked so many questions, and was so particular in enquiring after his uncle, that it gave me great uneasiness, and terrified me; afterwards I went generally twice a day to Mr. Wotton, to know where to go to enquire after my master, &c. though every time I went I was under great anxiety and disquietude, and in this dismal state I continued, being all the while terribly afraid of lying, or even being alone in the chambers.

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On the Sunday after the murder, I was so afraid, that I had my wife to lie with me in my master's bed, and all night long I could not sleep for dread and horror; and a few nights after, I had her again to lie with me at chambers; and frequently asked Mr. Wotton to send somebody to lie at chambers, for I did not care to be alone.

On Monday, June 21, Mr. Wotton took me up, and when I was before the justice, I stiffly denied it, as I did likewise the next day, even after the body was found, tho' I was all over in a sweat the instant I heard the body was taken up.

After I was in Newgate, hearing Mr. Wotton had found blood on the wainscoat, on the pictures, on the boxes under the bed, and o her parts of the room, greatly alarmed me, for, in my confusion I had over-looked it, and never saw it, though I continued so long in the chambers, for I had not resolution to look about the bed-chamber; and likewise hearing Mr. Wotton had, besides the parcel found at the taylor's, such strong evidence against me, I grew greatly afraid, and thought I should be convicted; on this I readily came into a proposal made to me of an escape, which miscarrying, and I being detected, threw me into a flood of tears, for then I knew all hopes were lost.

Soon after I was put into the Cells, and there, being so much alone, I began more seriously to reflect on my unhappy case; and that, by my denial of the fact, I might bring an innocent wife into the wretched place where I was (for she was then at large on 500l. Bail) which might

might kill her and her child, though I did not doubt of her being acquitted.

On these considerations, as well as to ease my own conscience, I determined to make an ample confession, which I had frequently a desire to do, but, when just ready to confess, I flew back, and remained inflexible; but now, resolved upon it, I sent for Mr. Hawkins, formerly my fellow-servant, to whom I related the whole of this barbarous murder, and desired him to acquaint Dr. Penny, Dean of Litchfield, and Mr. Wotton, with it, which he did, and they, and he, came to me in the press-yard, to whom I confirmed what I had confessed to Mr. Hawkins; and accordingly, as I told them I would, I pleaded guilty to the indictments the first day of the Sessions.

This confession gave great ease to my tortured soul, and made my mind much quieter. The Lord have mercy on my soul.

Sept. 12, 1741.

JAMES HALL.

*The Copy of a Letter, sent by James Hall
to his Brother William.*

Loving Brother,

IT is no small addition to my present afflictions, to hear of the great concern that you in particular are under for my misfortune. I am very sorry I should be the occasion of giving you so much uneasiness, as also the trouble it must be to the whole family, and others my friends, and acquaintance, but you may satisfy yourself, that none but the ignorant will the least reflect on you for my misconduct and unhappy fate. I would

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not

not have troubled you with this long and melancholy account, but that I naturally imagine it will be more satisfaction to you, to have it from my own hand than from the common news-papers, which are generally very imperfect.

Friday, the 28th of August last, I was called to the bar at the Old Bailey; (being the first day of Sessions) when my indictments were read to me, to which I pleaded Guilty, in some measure to ease my own conscience, and clear my wife, whose innocency I was well assured of. Notwithstanding which, by some vile woman swearing falsely against her, her life was almost in as great danger as mine, and Justice Devereaux would have committed her to Newgate, had she not found friends to give 500l. bail for her appearance at the ensuing sessions.

This cruel treatment, together with the great trouble she was in before on my account, (and knowing her own conscience to be quite clear of what was, or possibly could be alledged against her, relating to her being privy to the murder) took such effect on her, that had she been obliged to appear in court, and tried for what she knew nothing of, it was much to be feared whether it would not have proved the death of her, had she not been cast for her life, which in all probability she would, had it not been in my power to have cleared her, which was more than any mortal living knew except myself.

Such false witness ought to be deemed guilty of murder, the same as one who murders another by open violence, (as you may find it set forth at large in the 10th chapter of the *whole duty of a man*.)

man.) This single evidence upon account of the bloody linen, which she swore she saw my wife bring out of Clement's Inn, on Thursday the 18th of June last, at four o'clock in the morning, might have been the occasion of taking away two lives, for all she knew at that time, as I said before.

A relation of my master's, who seemed to speak in favour of this woman, by saying, there was another woman of my wife's acquaintance in the neighbourhood, one Mrs. B---, who was very much like my wife, and that the poor woman might be mistaken, by taking one for the other, which, according to my apprehension, is doing Mrs. B---- the greatest injustice that possibly can be; for, admitted that she was taken for my wife, it must be positively charging her with bringing out the linen. To clear which, beyond all manner of doubt, I have since declared where I put both coat and shirt, which have been found accordingly. And now I leave the world to judge, what grounds any one can have to speak in vindication of the person who swore against my wife. My being so very particular, and punctual in this matter, is not in the least in favour of myself, for I freely own the justice of my sentence; but as I have now only a few hours longer to continue in this world, I think it my duty to do all that is in my power to clear the innocent, and take the guilt on myself. So, dear brother, the Lord protect you and yours.

I remain your loving brother,

Sept. 11, 1741.

JAMES HALL.

*James Hall's Letter to his wife the Night
before his Execution.*12 o'clock, Sun-
day Night.

My dear,

I AM very sorry we could not have the liberty of a little more time by ourselves when you came to take your leave of me; if we had, I should have thought of many more things to have said to you than I did; but then I fear it would have caused more grief at our parting. I am greatly concerned that I am obliged to leave you and my child, and much more in such a manner, as to give the world room to reflect on you on my account, tho' none but the ignorant will, but rather pity your misfortunes, as being fully satisfied of your innocency in all respects relating to the crime for which I am in a few hours to suffer.

I now heartily wish, not only for my own sake, but the injured person's your's, and my child, that I was as innocent as you are, but I freely own I am not, nor possibly can be in this world; yet I humbly hope, and fully trust, through God's great mercy, and the merits of my blessed Saviour Jesus Christ, to be happy in the next.

After I parted with you, I received the holy sacrament comfortably, which Mr. Broughton was so good as to administer to me, who has also several times taken a great deal of pains to instruct me, and so has some others of his acquaintance, by whose assistance, and my own endeavours, I hope God will pardon all my sins
for

for Christ's sake, and admit me into his heavenly kingdom.

My dear, some of my last prayers will be to God to direct and prosper you and my child in all good ways, so long as he pleases to let you live here on earth, that afterwards he may receive you both to his mercies to all eternity; I hope I shall willingly submit to my fate, and die in peace with all men. This is all the comfort I can now give you in this world, who living was, and dying hope to remain,

Your loving and most affectionate husband,

JAMES HALL.

He was executed at the end of Catherine street in the Strand, on Monday, September 14, 1741.

The Trial of JAMES. ANNESLEY and JOSEPH REDDING, for Murder.

JAMES ANNESLEY, late of Staines, in the County of Middlesex, labourer, and **JOSEPH REDDING** of the same place, labourer, were indicted for the murder of Thomas Egglestone, the first for shooting him with a gun, the other for aiding, assisting, abetting, and comforting the said Annesley to kill and murder the said Thomas Egglestone.

They were a second time indicted on the Coroner's inquisition.

The defendants being thus arraigned, the court thought the day too far spent to proceed to a trial of so much expectation, and therefore

19th Trial of JAMES ANNESLEY, &c.

ordered it to come on the next morning; and in the mean time that the defendants should be admitted to bail. Whereupon James Annesley was ordered to give four sureties in 250l. each, and Joseph Redding, four in 50l. each; which being done in court, they were immediately set at liberty.

On Wednesday the 14th of July, 1742, the prosecutor's council moved, that the trial might come on the next day, which by consent of the defendant's solicitor was ordered accordingly; notwithstanding which, the next day, when the defendants had surrendered themselves, and were ready with their witnesses, the prosecutor moved to put the trial off till another day, but not alleging sufficient reasons for such delay, the court directed the trial to go on.

Accordingly the defendants were arraigned, and pleaded, Not Guilty.

Mr. Brown, Council for the Crown, opened the indictment; and Mr. Serjeant Gapper examined the witnesses; the first he called was.

John Egglestone, who deposed as follows

On Saturday the 1st of May last, I and my father were going up Staines River, to catch a dish of fish in Staines Moor, with a casting net; we fished all the way up till we came to this ground. It was Mr. Samuel Sylvester's Meadow. We were turning back again, in order to go home, my father carried the net on his arm, and the string was fastened to his arm. By that time we had got half way in the Meadow, we saw Joseph Redding and Mr. Annesley running, and Redding came up first to my father, took him by the collar, and demanded the net, which he refused to deliver, and

and threw it into the river. Mr. Annesley then came up with his gun, and swore, G--d d--n your blood, deliver your net, or you are a dead man; and fired off before he received any answer from my father.

Serj. Gapper. In what manner did Mr. Annesley hold his gun?

Egglestone. In this manner (*pointing the gun straight forward, holding it about breast-high, stooping a little*)

Serj. Gapper. How near was the gun to your father when he fired it?

Egglestone. I was close to his side; he put the gun between Redding and my father, and shot directly into his left side; here (*on the hip*) he had a plate button there, which was bruised to pieces. Then my father said, you rogue, what have you done? I am a dead man, and dropped immediately. I then took a knife out of my pocket to cut the string of the net. And Annesley said, you rogue I will knock your brains out, and held up the but end of the gun; upon which I jumped into the stream, cut the string, and drew the net over to the other side; then, says Annesley, the rogue has got the net, let us get on the other side after him.

Serj. Gapper. Who did you see when you got on the other side of the river?

Egglestone. I saw John Bettsworth, John Fisher and John Bowles; and when Annesley and Redding saw them, they ran away directly. As soon as I got on the other side of the river they saw these three men coming, and then they ran away, and Bettsworth, Fisher, and Bowles went through the river to the side where my father lay dead. Then they bid me get a surgeon;

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surgeon; so I went to Charles Cole, a surgeon at Staines, and told him my father was shot, and I believed he was dead or dying, but he never came near my father; then I went to Ruffel the constable, and he took some townsmen with him, and went to old Mr. Redding's house at Yeoveney farm, to search for the man that killed my father; we beset the house all round, and found Annesley up in a corner. He was hid in a place which was five or six feet from the ground, where they put lumber. Being pulled down, he was carried in a chair into the yard, and sat there about a quarter of an hour, and then was put into the cart which brought up my father, and was carried to the Round-house at Staines; the next day Annesley and I went in a cart to a Justice at Hounslow; and there was one Mac Kercher there, who said to me--

Court. What Mac Kercher said is no evidence against the prisoners; unless you can prove he was any ways an agent to them, or either of them.

Foreman of the Jury. My Lord, please to ask him if there was no quarrel, bustle, or struggling between Annesley, Redding, and Egglestone, before the gun went off?

Egglestone. There was no quarrel or jostling; my father never gave him an ill word, nor did he make any resistance at all. There was no other jostling than laying his hand on my father's collar, but my father never laid his hand upon him.

Mr. Brown. How near was you when he laid his hand upon your father?

Egglestone. About a yard and a half off.

Mr.

Mr. Brown. You say he shot off the gun--did you see him draw the trigger?

Egglestone. No, I did not.

Brown. Was the gun cocked before he came up?

Egglestone. I do not know.

Brown. Did the prisoner offer you any money?

Egglestone. Yes; he offered to settle fifty pound a year upon me.

Brown. Where was this?

Egglestone. When I was at Laleham, the next day after my father's death.

Serj. Gapper. How came you there?

Egglestone. We went to a Justice's at Brentford, but he not being at home we put up at the Red Lion there; and while we were there Sir Thomas Reynell came in, and ordered us to go to Laleham; accordingly we went to Mr. Lee's, into a little room, and there was Jack Lane, Mrs. Chester, and the prisoner. Young John Lane offered me 100l. a year; but the prisoner said, he could not settle 100l. upon me, for he had more to do for; but said he would settle fifty pound a year upon me, if I would not come in as an evidence against him. I told him I would not sell my father's blood at any rate.

Question. Pray, in what manner did Mr. Annesley, Mr. Redding, and your father stand, when this accident happened?

Egglestone. Redding stood betwixt Annesley and my father, and had him hold by the collar.

Question. Did you know William Duffel, and had not you some talk with him about the manner of your father's death?

Egglestone.

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Egglestone. No, I never saw him, nor had any talk with him.

Question. Had you any conversation with John Dalton at Laleham, where you say you was offered that money?

Egglestone. I came out of the room to ask him, whether I should take the money or not; and he said, I had better take the money, and not hang the man.

Question. You say you saw Mr. Annesley point the gun at your father: did you see him cock it?

Egglestone. The gun was cocked when he came up.

Question. Do you know one Giffard?

Egglestone. Yes: I have been acquainted with him since my father's death; and I met him at Staines; but gave him no orders or authority to prosecute on account of my father's murder.

Question. Do you know one Williams?

Egglestone. Yes; he keeps the White-horse in Piccadilly. He came to Staines, and sent for me; and I went to live with him as a servant, and do still.

Question. Have not you seen my Lord---at William's? (*Here the Court interposed and said the question was improper.*)

Question. You say you are William's servant; have you not dined with him at his table?

Egglestone. Yes, but don't now; I am his servant.

Question. Do you know Paul Keating, or any thing of a note he drew for you at the Oxford-arms?

Egglestone. He did draw something of a note, but I tore it; because I did not like his proceedings.

Question.

Question. What were the proceedings you did not like?

Egglestone. I don't know; I did not understand them.

Question. Why, did not you read the note before you tore it?

Egglestone. No, I did not.

Question. How came the note to be wrote? did he say nothing about the writing of a note before he wrote it?

Egglestone. Nothing, but desired me to copy it.

Question. What did he say when he desired you to copy the note?

Egglestone. I cannot tell what he said.

Question. Was you ever at New-prison to see Mr. Annesley?

Egglestone. Yes.

Question. What did you go for?

Egglestone. I went for my own fancy.

Question. Did not you send up word to him that you were sure he would be glad to see you?

Egglestone. I believe I might.

Question. What was the reason, for which you thought Mr. Annesley would be glad to see you?

Egglestone. I cannot tell; I was willing to see him.

Question. Did you never, in speaking of your father's death, say, it was done accidentally?

Egglestone. I do not know that I did.

Question. Did you never say to Keating that you were to have 200 l. or had a promise, or that you were to have security, and from whom?

Egglestone.

Egglestone. I never did.

Question. Did you give the same account with respect to the holding of the gun, as you do now, before the Coroner's Inquest and before the Justices?

Egglestone. Yes, I am sure I did.

Question. Did you never say, the butt-end was up to his shoulder, and the muzzle pointed downwards?

Egglestone. No, I did not.

Question. Did you never say any thing to any body of the manner of Mr. Annesley's drawing one of his feet back?

Egglestone. No, never.

John Bettefworth. Thomas Egglestone and his son were a fishing; I was 169 yards from the river as near as I could measure. They were in the ground called Sylvester's rents. There are a pretty many willows at the side of the river, but any body might see through them. And I saw Joseph Redding and Mr. Annesley come over the hedge that parted Mr. Silvester's ground from Mr. Redding's, then they both ran after Egglestone and his son; young Redding came up first; Redding laid his hand on the shoulder or collar of the deceased. The boy was got a little way from his father, and when Mr. Annesley came up he came back again. I believe he was two or three yards off from his father. Annesley and Redding came up almost together, but Annesley came up after him; the gun went off after he came up; I saw the smoak and heard the fire. The boy called to us, and said his father was killed. John Bowles and John Fisher were with me; we came to the river just against the place
where

where Egglestone lay, and we could not get over there without being up to the middle; but we went over in a shallower place a little farther. When we were got over Annesley and Redding were run away. Egglestone was not then dead, but could not speak. I desired the boy to go for a surgeon, and he went directly, I was coming rather before the boy called, for I saw the man drop; I could not see the boy for some time, because he was in the river, and had cut the net from his father's arm, as he said. I saw the boy come cross the river, and when I came up, I saw the net brought cross the river. Egglestone lay upon his face; I lifted up his head; he groaned pretty much but could not speak, I sent the boy for a surgeon, but none came.

Serj. Gapper. When the gun went off, did you observe any Struggling between Annesley, Redding, and the deceased?

Bettesworth. No other than their striving to take away the net.

Question. Do you remember any thing that passed in the Round-house?---did the prisoner say any thing there?

Bettesworth. Yes; he desired to be killed out of the way, for being accessory to such an innocent man's death. He said also he would have gone home for more men, but Redding would not let him.

Cross-examined.

Question. Did you see Mr. Annesley and Redding before they came up to the deceased?

Bettesworth. I saw Annesley offer to shoot at a crow about half an hour before; but he did not shoot at it.

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Question. What was the position of his gun, when you saw him come running?

Bettesworth. It was in this manner: (*holds it as if the muzzle hung a little slanting towards the ground.*)

Mr. Brown. You say, you saw Annesley and Redding in the other ground: what were they doing there, standing, sitting, or what?

Bettesworth. They were sitting or lying under a hedge; but for what purpose I cannot say, unless they came to take the net away.

John Fisher deposed to the same effect; with this addition, that Egglestone knew he was out of the bounds he ought to have been fishing in; and there was a sort of a struggle to take away the net; and he thought that Redding and Annesley did both snatch at the net, and then the gun went off.

Cross-examination.

Question. Did not young Egglestone, before he was examined by Sir Thomas Reynell, say to you, he did believe the gun went off by accident?

Fisher. He said, he believed it was not done wilfully. I was called into a room with Chester and Lane. He had money offered him in my hearing, by John Lane; he offered him 100 l. a year. Mr Annesley said, he could not give him above fifty pound a year, because he had others to do for. Then said the boy, I do not care to sell my father's blood; but I will do as my friends direct me; I believe he was in liquor. I said, your father is dead; the money will do you good; do not swear any thing against him, if you think the thing was done accidentally; he said, the money would do

do me good if I had it; and then said, I believe the gentleman did not do it wilfully. I asked him, after he had been examined, what he had done? and how he could swear against him when he had said so and so to me? said he, I did not know what I said, meaning, what he said to me.

Question. Do you know Mr. Williams the Clergyman? and did not you make a declaration of this to him?

Fisher. Yes; and I told him what I now say, I mean, what passed between us at the time he went before the Justice; and I said to Mr. Williams, that Egglestone told me, he really believed the gentleman did not do it wilfully.

Mr. Brown. Did he not say it was wilfully done as you were going along to the Justice.

Fisher. All the way he went, he said he believed he did it wilfully; but after the prisoner had been talking with him, he said, he believed it was not done wilfully.

Samuel Sylvester. The deceased lay dead on the ground that I rent; I was going up to look after my ground, to see if any thing was amiss. When I came within about 200 yards of my ground, I met three men who told me old Egglestone was killed; I did not believe it; they pointed to my ground, and said, there he lies; so I went up and saw Tom Egglestone lie dead on my ground.

Mr. Brown. Did you hear Mr. Annesley say any thing at the time he was taken?

Sylvester. Not then; I believe he was in a fit, for he trembled, and fell down behind the door.

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Serj. Gapper. Had not the boy been drinking, and did he not sleep before he went in to the Justice?

Sylvester. I believe he did for about three quarters of an hour; I do believe he had been in liquor, but he was refreshed afterwards.

Cross-examined.

Q. Have you not received money to pay the witnesses for attending here on this cause the last sessions, and from whom?

Sylvester. Yes, I paid some of them, I think it was by Mr. Giffard's direction, who subpoenaed me up. I asked him who was to pay me; he said I should be paid half-a-crown a day for my time, which was as much he thought as I could earn at my business.

Q. Do you know who he said he was employed by?

Sylvester. He said he was concerned for the King.

Q. Do you know Mr. Williams?

Sylvester. Yes, I know him, but I never was in his company upon this occasion.

Q. Did you never see Williams at Staines?

Sylvester. I saw him there, I believe about a week after this accident happened. But as to the boy I never saw him at Staines afterwards.

Serj. Gapper then said, they would rest it here.

Court. Mr. Annesley, you are indicted in a very unhappy case: what have you to say for yourself?

Mr. Annesley. My Lord I am very unable to make a proper defence, having by the cruelty of those, whose duty it was to protect me, been deprived

deprived of the advantage of an education I was entitled to by my birth.

All I know of the melancholy accident in question is, that on the unfortunate day mentioned in the indictment, I went out with my gun in company with my innocent fellow prisoner, to shoot sparrows, as I usually did. As we were going along, Mr. Redding, who is game-keeper to the Lord of the Manor saw some people poaching within the royalty, upon which he proposed to go and seize their net; I followed him; the deceased threw the net into the river, and the boy jumped in to pull it across; to prevent which I stooped to lay hold of one of the ropes that trailed upon the ground, and at the same instant, the fatal instrument I had in my other hand, hanging by my side, went off without my knowledge, and to my great grief, as well as surprize. My behaviour, immediately after the accident, was, I hope, inconsistent with a temper that could murder a man I had never seen before without one word of provocation.

Whatever may be the determination of your Lordship and the Jury, great as the misfortunes of my life have been, I shall always consider this unfortunate accident as the greatest of them all.

Court. Mr. Redding, what have you to say for yourself.

Jos. Redding. I am game-keeper to Sir John Dolben, Lord of the Manor of Yeoveney. On the 1st of May last, in the afternoon, Mr. Annesley and I went out a walking; we saw a crow, and Mr. Annesley offered to shoot at her, but I called to him not to fire for she was

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too far off. Soon after I saw Egglestone and his son fishing with a casting-net; upon which I said to Mr. Annesley, I will go and endeavour to take their casting-net, as it was my duty to do. Accordingly, I went up to the deceased, and demanded the net, which he refused to deliver to me, and threw it into the river, one end of the string being about his arm; I then laid hold of the string and pulled, whilst the boy endeavoured to draw it cross the river, and presently I heard the gun go off (my back being towards Mr. Annesley) and saw the man fall down.---I said to Mr. Annesley, I hope he had not shot the man; he said no; but turning up the flap of his coat, we saw he was shot, upon which Mr. Annesley cried out, what shall I do! and expressed so much concern, that I am sure it was an accidental thing.

Mr. *Hume Campbel*, Council for the prisoners, said, that although he knew by the course of the Court at the Old Bailey, he was not at liberty, to observe upon the prosecutor's evidence, yet, he apprehended, that for the ease of the Court, he might just open the nature of the defence, without making any observations upon it.

That the defence which the prisoners insisted upon, was, that the gun went off merely by accident; that Redding was game-keeper to Sir John Dolben Lord of the Manor of Yeoveney, and had a proper and legal deputation for seizing of nets and other engines for destroying of game. That the deceased and his son were poaching in the Manor; that Mr. Annesley went in aid of the game-keeper; and therefore the prisoners being about a lawful act, were not

so much as trespassers, and the death that was the accidental consequence of that act, would, in point of law, make Mr. Annesley guilty only of Chance-medley.

Mr. Thomas Staples. I am deputy to my father, who is steward to Sir John Dolben, as Lord of the Manor, under the Dean and Chapter of Westminster. I have the grant of the Manor from the Dean and Chapter in my pocket. I have admitted some copyholders, I have held one court there for my father, and have seen him hold several; and there is a Mansion-house, which I think is that Mr. Redding lives in.

Then the deputation was produced and proved by the subscribing witnesses, to be executed by Sir John Dolben, appointing Joseph Redding the younger, game-keeper of and in the said Manor of Yeoveney, dated July, 2, 1741. It was likewise entered in the office of the clerk of the peace for Middlesex.

Joseph Redding the elder. I was in the next field called Chantry-mead. This where the accident happened, is called the Hare-mead, in the Manor of Yeoveney. I was then about 40 poles off. I saw my son and Mr. Annesley coming up, and I saw them immediately after the accident happened.

Q. How did they behave on this occasion?

Redding. They were so troubled they could hardly wag or speak; my son said he was afraid the man was killed; and he said to Mr. Annesley, how did you do it? Mr. Annesley said, I did not think of the gun's going off; he carried it just as I may hold this sword. (*Holding it in his right-hand, hanging down near the pocket, a few inches from*

from the body, almost upon a level.) He had it in one hand, as I have this sword now. He was so concerned, that he did not run ten poles before he fell down, and beat himself ~~thus~~ upon the belly, and said, what have I done!

William Duffell was next sworn, who being asked if he ever had any conversation with John Egglestone about this matter, deposed as follows. On this occasion he was at my house; I desired him to tell the truth; he said he would, and then told me, that as he and his father were fishing, they saw the prisoner Redding, come up; that he desired his father to give him the net, and he would run away with it, but his father would not let him; that then Redding came up and demanded the net: That Thomas Egglestone said he should not have it, and then threw the net into the river, and in the meantime the other gentleman came up and shot him; that John Egglestone jumped into the river, and cut the line of the net to pull it out on the other side; and that when the gun went off, and his father dropped down, Redding said to the other gentleman, *Lord, Sir, what have you done!* and then they both run home. Mr. Abraham Egglestone, who was present, asked him, if he saw Mr. Annesley pull the trigger of the gun? John Egglestone answered, he could not tell. I asked him, if there was any quarrel or words passed between them? he said, no. I said, it was very surprising to me, that this gentleman should come and shoot his father, and nothing more passed between them. I then asked him in what manner he held the gun? he had a stick in his hand and shewed in what manner the gun was held

thus, (in his right-hand, the arm hanging down near the pocket, some inches from his body, and near upon a level, which was the same manner that old Redding said the gun was held) I asked him if he thought he did it wilfully; he said he could not tell. This was about four hours after the accident happened.

Q. Did you ever see this John Egglestone before, for he says he knows nothing of you?

Duffell. I have known him this eight years, and he has been frequently at my house?

Q. What character has he?

Duffell. I cannot say much in his behalf; his father could not manage him at all. His father was a carpenter, and he worked with him.

Q. When did he leave Staines?

Duffell. Soon after this accident happened. Since which I have seen him at the White-horse in Piccadilly; and heard at Staines, that he was sent for to London.

Being cross-examined, his replies were to the same effect as he had before deposed, with this addition, that he understood by Egglestone's manner of holding the stick, he meant that Mr. Annesley had hold of the gun about the middle of the barrel.

John Dalton. On the Sunday, when the prisoner was carried to Laleham to be examined, I went there: the company dined at the Greyhound at Laleham; I staid and drank half a pint of wine there, and immediately John Egglestone came to the door, and called me out of the room, and said he wanted to speak with me. When I came out, he wanted to ask my advice concerning

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concerning this accident. I said, I wonder you should ask my advice, when you have relations to advise with. He said, I thought fit to ask you as you are my master. While we were talking, Samuel Sylvester came out, and said, I was persuading the boy to sell his father's blood; the boy said, what do you mean, you fool you, my master is persuading me to no such thing. I then asked him, whether it was accidentally done or not? he said, he believed it was accidental, rather than any other thing. I said, well, if you think so, you will be examined when you come before Sir Thomas Reynell, I desire you will not forswear yourself, but be very careful what you say.

Richard Chester. I drove the chaise from my house to the Red Lion at Brentford, and then to the Grey-hound at Laleham; I went up to young Egglestone, and asked him, how the unfortunate thing happened, whether it was done designedly, or happened by accident? This was at Laleham: he said, he believed it was accidental, for he did not believe any gentleman in cool blood would do any such thing wilfully. I had the chaise-whip in my hand, and I desired him to shew me how Mr. Annesley held the gun. He took the whip in his hand and held it so (*which was much the same position as Redding and Duffell said he held it.*) I think it was nearer the handle than the middle of the whip that he held it. After this Egglestone spoke to Mr. Annesley, the prisoner, and shook hands with him; and Egglestone said he was very sorry for what had happened, but said he did not think he did it designedly, and then drank a glass of wine to him.

John Paterfon sworn.

Q. I think you attended the coroner's inquest; please to give an account how Egglestone behaved himself, and what he said?

Patterfon. I can only speak as to what he said before the Coroner, and I admit the depositions taken at that time, which were reduced into writing by the Coroner or his clerk.

(*Mr. King, the Coroner, sworn, who produced the minutes of the depositions made before him.*)

Serj. Gapper. Were these drawn up when Egglestone was examined, or afterwards?

Mr. King. They were drawn up at the same time; but he did not sign them.

The minutes were read, and are as follows.

May 4, 1742.

John Egglestone, son of the deceased, living at Staines, saith, that on Saturday the 1st of May, he and his father went a fishing on Sylvester's ground, and says that one Joseph Redding came up, and laid hold of his father, and demanded his net, upon which his father said he should not have it; then the prisoner, James Annesley, came up, and said, *d---n your blood, surrender your net, or you are a dead man*; and upon his refusal, the prisoner held up his piece to his shoulder, and presented his piece to the said Egglestone near to the middle of his body, on his left side, and shot the said Egglestone, who died presently after. Says, the gun was cocked before he came, and that the piece went off before his father's refusal to deliver the net. He said, the deceased clapt his hand to his side, and said, *you rogue, you have*

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have shot me, I am a dead man. That after the discharge of the piece, his father dropped instantly. Says, that when he saw his father shot, he took his knife, and cut the string of his net, and jumped into the river; upon which the prisoner said, he has got the net, and went to strike at him with the butt-end of his gun, and said, let us go on the other side of the river, and fetch it; says, that Redding had hold of the deceased by the collar, when the piece went off. Says, he was not offered any money by any body.

Council for the prisoner. This was the 4th of May and now he says, that on the 2d of May he was offered money at Laleham.

The Rev. Mr. *Eusebius Williams*. I happened to be at Laleham, and heard the depositions that were made before Sir Thomas Reynell. Fisher said, if he was examined before the Justice he would declare what Egglestone had said to him; which was, that the gentleman did not kill his father designedly, but that it was an accident.

Mr. *Bethune*, Surgeon, being sworn, deposed thus.

On Sunday after the accident, I happened to be at Laleham, and Sir Thomas Reynell gave me leave to come in and hear the depositions. I was afterwards sent for by Mr. Perkins, Surgeon, at Staines, to attend at the opening of the body before the Coroner; there were several of the Coroner's jury in the room. I found the wound on the left side, about an inch and a half below the ridge of the hip-bone; the wound I apprehend to be about an inch and a half wide; I found it

went

went into the cavity of the belly. I then remembered in what manner Egglestone held the gun when he was before Sir Thomas Reynell, to shew how Mr. Annesley held it when he fired. I remember very well he held it to his shoulder slanting downwards. I attempted to put my probe into the wound in the same direction as he described the gun, but there was no passage for it in that position, it would not go in downwards; then I put it in this manner cross the belly, and it went in with the same ease in this manner. I observed several large blisters full of black serum opposite to the place where the shot went in; these blisters on the opposite side, were three or four inches higher than where the wound was,---the wound was on the left side, and the blisters on the right. When I found this was so plain to me, I desired it might be as plain to the jury, and every one there, as it was to myself, because this was a matter of fact, and not of judgment, and I desired the foreman to come and put the probe in and try; he did so, and found the wound as I have described it. I was the more careful in this, because I observed the evidence that the boy gave on the Sunday and the variation between that and the nature of the wound, therefore I desired them to take the more notice of it; and said, gentlemen, I shall have occasion to speak to this by and bye, and therefore I desire you will mind what I say to you. I apprehend those blisters were occasioned by the force of the powder, and that if the shot had gone through it must have come out three or four inches higher than it went in.

Q. Did you observe how the wound was upon the bone?

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Bethune. No Sir: but I found some shot in a cavity of the belly.

Mr. Brown. Now the question is, whether the shot coming upon this bone, might not be thrown upwards?

Bethune. No, for the shot went through the bone, so that the gun must have been held obliquely, pointing upwards; the shot could not have gone through in that direction, if the muzzle of the gun had been pointed downwards; this is not matter of Judgment, but I have given the demonstration of it,

Foreman of the jury. He makes it appear, that the prisoner could not hold his gun to his shoulder, but that it was held horizontally, and that it was impossible for him to wound him in the manner the boy here described, if the muzzle of the gun had been pointed downwards.

Bethune. While I was giving in this evidence before the Coroner and his jury, Egglestone came up again, and said, the gentleman stooped when he did it.

John Perkins, Surgeon, confirmed the foregoing evidence.

Mr. King, the Coroner, called again.

Q. Was any application made to you at any time to send Mr. Annesley a prisoner to Newgate?

King. Yes, I think it was Mr. Gifford; he came along with another gentleman, whose name I think was Carrington.

Q. What, Capt. Carrington?

King. I believe it was: I said, I think the gentleman is secure enough; there was a lord mentioned, but I can't remember that he was name

named (Mr. Gifford wisely kept him from saying who it was) I thought it was too severe to send him to Newgate, and said, that Sir Thomas Reynell was the justice who committed him, and he had taken sufficient care about it.

Paul Keating. I became acquainted with Egglestone at the White-horse in Piccadilly. I came from Ireland; I was recommended to the Earl of ----- to say as a witness what I knew about the estate. A little after Egglestone came to the inn, he and I got acquainted together, and went out a walking to see the town. As we were walking abroad I asked him how he came to live there? says he, I am here at the expence of the Earl of -----

Court. This is not proper: if you can call any body to contradict Egglestone, you may; but this is reflecting on a noble person's character.

Q. Did he tell you how he came to be at that inn?

Keating. He told me that Mr. Williams, who keeps the White-horse, brought him from Staines, and that he should be very well provided for, if he would prosecute the gentleman, who is now in custody, for this murder, and he desired that I might contrive some way to get the money secured, and I wrote two or three drafts of notes for 200l. and he took copies of them.

Q. How came he to take copies of them?

Keating. Because I did not care my hand should be known. I have a copy of one of them in my pocket. *Reads.*

I promise to pay to Mr. Thomas Egglestone (that is, his elder brother) or his order, at or upon the

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10th day of June next, the sum of 200l. sterling for value received from his deceased father and him in carpenter's work, &c. Witness my hand the 10th of May, 1742. This was to be signed either by Mr. Williams, or my lord -----.

Here the evidence for the prisoners was finished.

Court. If the Jury should be of opinion, that the gun went off by accident, the homicide must, in point of law, be either manslaughter or chance-medley; but in order to that it must appear, that what Mr. Annesley was doing was perfectly lawful, otherwise he will be guilty of manslaughter.

The other prisoner, Redding, had certainly by virtue of his deputation, and by force of the act of parliament for the preservation of the game, authority to seize the deceased, who was clearly acting in violation of those laws. But it is doubtful whether the authority of a game-keeper being personal, the other prisoner acted lawfully in assisting him.

The point was strenuously debated between Mr. Hume Campbell, Mr. Serj. Haywood, Mr. Clarke, Mr. Wyrley, and Mr. Smith, of council for the prisoners, and Mr. Serj. Gapper, Mr. Serj. Wynne, Mr. Brown, and Mr. Johnson, of council for the prosecutor. And the jury, having duly weighed and considered the arguments on both sides, without going out of court, found the prisoner not guilty of murder, but guilty of *Chance-medley*.

William

The Trial of WILLIAM BIRD, for suffocating a Prisoner in St. Martin's Round-house, Sept. 1742.

WILLIAM BIRD, late of St. Martin's in the Fields, in the county of Middlesex, labourer, was indicted, for that he, on the 16th of July, in the 16th year of his Majesty's reign, about the hour of two in the morning of the said day, with force and arms, in and upon one Mary the wife of John Maurice, did feloniously, wilfully, and of malice aforethought, make an assault; and that he, the said William Bird, into a close room, called the Hole, being the building belonging to St. Martin's Round-house, the said Mary Maurice did force, put, place, and confine for the space of two hours, where there were 20 persons confined, which said room was not of sufficient largeness to contain twenty persons for the space of one hour, without manifest danger of their lives; and that the said Mary Maurice, during the time of her confinement, on the day and year aforesaid, in the said close room, was suffocated, and did die; and that he the said William Bird, the said Mary Maurice did kill and murder.

Sarah Bland, being first called deposed as follows.

Mary Maurice and I were taken up some time in July, about a quarter after eleven at night, and carried to St. Martin's Round-house. We had not sat down above four or five minutes in the Fore-room above stairs, but Mr. Bird came to me, took me by the shoulder, and bid me go down

down stairs: madam, said he, go down these stairs; and Mary Maurice said, let me go along with my cousin; and she went along with me into the hole.

Q. How many people were there in the hole when you went down there?

Bland. There were about twelve or fourteen people, and, with those that were put in afterwards, there were in all about twenty four.

Bird. I ask pardon for interrupting. I think the question to be asked is, what time they were put into the hole, for my life depends upon it.

Bland. It was about a quarter of an hour after eleven, and we were kept there till ten the next morning. I was vastly hot, and cried out murder; and so did almost every body that was there.

Q. What time was it you found it so hot?

Bland. About one o'clock; and it was very hot about four o'clock. I begged for some water but Mr. Bird made no answer to that; I begged for a little air, and in order to get some, I told Mr. Bird there was a woman in labour, that some were in fits, and two a dying. He said, they might die and be damned. This was near five o'clock in the morning.

Q. What state of health was Mary Maurice in when she went down to the hole?

Bland. She was very well then; but about four or five o'clock she was light-headed, and said to me, cousin, let me die, let me die, for God's sake. She laid her head in my lap for some time; and her head dropped off my lap, she sunk down, and I saw her no more afterwards; I was in a fit

fit myself. There was a woman came with a quartern of gin to some prisoner there, but I cannot tell who it was. This was before the hole was shut up; I believe it was before five in the morning that the woman came to the gate; she had a quartern pot in her hand, with gin in it. Mr. Bird shoved her away, spilt the liquor, and broke the glass. He called her bitch, and bid her get away from the window; she went away, and I never saw her afterwards. Soon after Mr. Bird came and padlocked the window. It was a shutter with iron Bars a-cross, and long holes to let the light through.

Question. Was it opened before the watchman broke it open about ten o'clock in the morning?

Bland. I do not know that.

Question. What further do you know of this matter?

Bland. There was murder and fire called; there was a woman brought a tobacco-pipe, got some beer, and poured it into the bowl of a pipe, and we sucked it through the small end of the pipe, which was put through the hole of the shutter, and somebody came and pushed the woman and broke the pipe, and so we could not get any more.

Question. You say there was a cry of murder and fire, what did nobody come to your assistance?

Bland. No, nobody; there were four or five in fits in the hole, but it being dark, I could not see who were dead, and who were alive.

Many

Many more witnesses were examined, who all agreed in their testimony, that what with the heat of the weather, (it being then in July) and the confinement of such a number in so close a place, they suffered the most intolerable distress; that four of the women were actually stifled and suffocated, and lay dead in the place, when the door was opened at ten o'clock in the morning in order to take them before a justice, that though they made the most terrible outcries of fire, murder, &c. and made the most doleful complaints that they should all die unless they were relieved, all the comfort Mr. Bird would afford them was, *let the Bitches die and be damn'd.* Nay, so cruel was this inhuman keeper, that, though one of the poor wretches would have given a shilling for a quart of water, and others offered four shillings for a gallon, yet he would not suffer them to have a drop, though they were perishing with drought; and not only fastened the door of the hole, but even the windows and shutters of the place, on purpose, one would think, to prevent even the possibility of receiving any benefit from the air; though there was room enough above stairs, as also in the passage leading to the hole.

The evidence being gone through, it was observed by the Court, on behalf of the prisoner, that the first part of the charge, *viz.* his forcing, putting, and placing her in this hole, was so far from being proved, that the contrary appeared in evidence; and they doubted, whether it being so laid, it was not become necessary to be proved. It was said on the part of the crown, that if in the first instance she was not forced, yet from the time she cried out for relief, and desired

desired they might be thinned or let out, the continuing her there was a forcible confinement; and the continuing her there, knowing the danger she was in, may make that a force upon her *ab initio*; but that as this particular fact might not have been laid, there is no necessity to prove it. For this purpose was cited 2 Hawkins, Cap. 46. Sect. 41. Also Mackelley's case, in killing a Serjeant in London, on a special verdict found at the Old Bailey December, 5, 1610, which was said to be a case in point---The first exception to which verdict was, that there was a material variance between the indictment and the verdict; for the indictment supposed that the Sheriff had made a precept to the Serjeant at Mace to arrest the defendant, and by the verdict it appeared that there was not any such precept made, so that the indictment being special, to make that offence murder by construction of law upon the special matter without any malice *prepenſe*, ought to be pursued, and proved in evidence, which was not done in that case, for the Jury did not find the said special matter, but the contrary; and because the Jury had not found the special matter contained in the indictment, but other matter, judgment could not be given against the prisoner upon that indictment. To which it was answered, and in the end resolved by all the Judges of England, that there was sufficient matter contained in the indictment, upon which the Court ought to give judgment of death against the prisoner, notwithstanding the said variance, and he was executed, 9 Rep. 62-70.

Upon the whole, the Jury found the verdict special to the following effect. *viz.*

We

We find that William Bird, the person indicted, on the 15th and 16th of July last, was keeper of St. Martin's Round-house in Middlesex; and that Mary the wife of John Maurice, in the indictment named, was duly committed on the said 16th of July, to the said keeper, to be kept in safe custody. And we further find, that while the said Mary Maurice was in custody of the said keeper as aforesaid, one Sarah Bland, who was then also in custody of the said William Bird, as keeper aforesaid, was on the same 16th day of July, about the hour of two in the morning of the same day, forced, put, and placed, by the said William Bird, in a close room, called the *Hole*, then being part of the building called St. Martin's Round-house. And we further find, that the said Mary Maurice then desired the said William Bird that she might then go down into the said hole with the said Sarah Bland, and that she did accordingly go down with the said Sarah Bland into the said hole. And we further find, that the said Mary Maurice, soon after she was in the said hole, as aforesaid, did request of the said William Bird to be released out of the said hole. But we further find, that the same 16th day of July, that the said William Bird, notwithstanding such request of the said Mary Maurice, to be released out of the said close room, called the hole, as aforesaid, did continue and confine the said Mary Maurice, being so in the hole as aforesaid for the space of two hours, against the will and consent of her the said Mary Maurice, during all which time there were twenty other persons confined as prisoners by the said William Bird, in the same close room, as in the indictment

ment alledged. And we further find, that the said close room, during the time aforesaid, was not of sufficient largeness to contain twenty persons therein, for the space of one hour, without manifest danger of their lives, as in the said indictment is also alledged. And we further find, that by the said continuing and confining her the said Mary, by the said William Bird, in form aforesaid, in the said close room, she, the said Mary during the said time of confinement as aforesaid, viz. on the 16th day of July in the close room aforesaid, was suffocated, and that she there died during the time of her said confinement, of such suffocation, as in the indictment is also alledged. But we find, that the said William Bird did not force, put, or place the said Mary Maurice into the said close room, called the hole, as in the said indictment is also alledged: we find all other matters and circumstances necessary for bringing the point in issue before the Court: but whether the said William Bird is guilty of the said felony and murder in the indictment supposed, we know not.*

* William Bird was also arraigned on an indictment for the murder of Phillis Wells, spinster; and also on another indictment for the murder of Ann Branch, spinster; both which trials were put off till the next Sessions.

*The Trial of JOHN WAITE, for stealing
East India Bonds.*

JOHN WAITE, late of London, Gent. was indicted, for that he on the 10th day of May, in the 14th year of his Majesty's reign, with force and arms, &c. in the parish of St. Christophers, in the ward of Broad-street, in a certain dwelling-house there situate; wherein Zerubbabel Crouch, and divers other persons, did inhabit, did feloniously steal, take and carry away, six bonds, commonly called East-India bonds, each of the value of 100l. and numbered as follows, viz. No 2336. No 2337. No 2740. No 9671. No 20311. No 23335. each bearing interest at the rate of *three per cent.* which said bonds are laid to be the property of the Bank of England.

The said bonds are likewise laid to be the property of persons unknown.

To this indictment the prisoner having pleaded Not guilty; he then said, my Lord, I am brought here on a trial for my life; I hope, as I am an Englishman, I have a right to the privilege which the law allows, and hope your Lordship will order my irons to be taken off.

Court. When you come upon your trial we will take notice of it, but we have nothing to do with it till then. They were accordingly taken off when his trial came on.

Before the Jury were sworn it was asked, on the part of the prisoner, whether any of them were proprietors of the Bank, or indorsers of bank bills of exchange, because if they were, they could not, by reason of their interest, be
upon

upon the Jury? but none of them being so, they were accordingly sworn.

The Council for the King opened the indictment, by acquainting the Court and the Jury, that the prosecutors, who are the governor and company of the Bank of England, had brought before them the prisoner at the Bar, to take his trial for stealing a great number of East-India bonds, the property of the Bank; that till the statute of the second year of his present Majesty, the stealing of Bonds, &c. was not made felony; for such securities for money not being frequent in antient times, the common law had not made a proper provision to punish people for stealing them; but as these are now become valuable parts of our property, the legislature thought proper to make the stealing of East-India bonds, and other public securities, felony, as the stealing of goods or money is at common law; and took notice, that the occasion of these bonds coming to be placed in the Bank of England, was upon the deficiency of some of the masters in Chancery, who were possessed of valuable effects of the suitors; whereupon, by an act in the 12th of Geo. I. Cap. 32. it is directed, that all these securities should be sent to the Bank of England, and that they, in giving receipts for them, make themselves answerable for them, whatever becomes of them afterwards; and therefore they are laid to be the property of the Governor and Company of the Bank of England; and as these bonds were lost, they had been forced to buy others, and replaced them, and that therefore there could be no doubt, but that these were the property of the Bank of England; but that if there

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should any difficulty arise, in point of law, they are likewise laid to be the property of persons unknown. That when any bonds are brought in, the person who receives them, gives an account to the directors in waiting, and they are deposited in a chest in the Committee room, and afterwards put into the Vault, in the securest manner that can be; and 'tis uncertain to whom these belong, till the matter depending between the Litigants in the Court of Chancery is determined; and these securities are never taken out but for the purpose of receiving the interest, or delivering them back by order of the Court of Chancery.

That as these bonds were taken away, the Bank had endeavoured to trace them, in order to know how they had been disposed of, and by whom; and were able to prove, that the prisoner had carried six of them to a Broker, and said they were his own, and that the money was paid into his own hands.

The first witnesses called, were some officers of the Court of Chancery, in order to shew how the affair, relating to these bonds, was transacted. They likewise produced a receipt signed *John Waite. London. July 23, 1737, received of the East-India Company thirty-six new East-India bonds, No. and dates following, for 3600*l*. No. A 2306 to 2341. both inclusive, dated the 27th of June, 1737. Interest due from the 31st of March last, exchanged for bonds of the like value, which bonds are placed to the account of Mark Thurstone, Esq. accomptant general of the Court of Chancery, in the cause of Draper against Pitt, for the governor and company of the Bank of England.*

for stealing East-India Bonds. 231.

King's Counc. 'Tis a special property which the Bank claims.

Court. They do not open it, that the Bank of England has an absolute property in these bonds, but they have a special property, as they are answerable for them; and they are answerable to those who are the absolute proprietors of them who are the suitors in the Court of Chancery.

The King's Council having proved these and several other East-India bonds to be committed to the care of the prisoner, they next proceeded to prove his disposal of them.

Richard Willoughby. I have known the prisoner seven or eight years; I have done business for him as a broker. On the 27th of April, 1741, he gave me six India bonds to sell, letter A 2336, A 2337, A 2740, No. 9671, No. 20311, No. 2335. These I was to sell---for himself---and I did dispose of them accordingly, they carried a premium of four pound eleven shillings, 628l. 12s. was the neat produce of them.-- I delivered the money to Mr. Waite the same day.

Counc. Whose bonds did you understand them to be?

Willoughby. His own bonds; we always suppose them to be the property of the person who brings them.---They were made out in the name of Webb, that is the name they are all made out in.

William Webb. I am an officer of the East-India company.---I am the person in whose name the bonds are made out, and do indorse them---These are India bonds.---This is my indorsement.---They have all my name on the
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back.---There are no other bonds of the same numbers and dates.---They are all made payable to me.

King's Counc. There is another thing we are ready to prove, that as the Bank is obliged to make good these bonds, they have bought others and replaced them.

The order of the Court of Chancery of the 10th of July, 1741, was read; whereby the bonds deficient in the cause of Draper against Pitt, Roswell against Spriter, &c. to the amount of 133, were ordered to be replaced by the Bank.

Mr. Pyle, an officer of the Report Office, produced the certificates, whereby it appeared that the Bank had replaced them.

Pris. Counc. I submit it upon the prosecutor's own evidence, whether upon the circumstances they have proved, he is guilty of the crime laid to his charge; and considering the evidence in the strongest sense, the single question is, whether this taking of his does amount to a felonious taking or not. I will not dispute that the Bank has a special property, and may bring an action of trover, and lay an indictment for it: and I would not have this forgot, and I believe the witnesses will not deny it, that as the prisoner is a proprietor in the Bank, he may have a special interest in this corporation; these bonds may be the property of the Bank; but the question is, whether, as a proprietor of Bank-stock, he has not a right with the rest of the company; and whether a man, even in that respect, can be indicted for stealing goods in which he has a property.

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I beg leave to say, that the prisoner has been entrusted with these bonds, that they were delivered to him, and he has given receipts for them in his own name; therefore I submit it, whether under these circumstances, he ought to be indicted for a felonious taking of those bonds so delivered to him, though I do not doubt he disposed of them against his trust, this man being under misfortunes at that time, though they were not publickly known; but I apprehend the disposing of them will never make him guilty of felony, unless the taking of them was felony.---Whoever has the lawful possession of these bonds cannot be guilty of felony.

Court. I may have the lawful possession of a thing, and yet be guilty of felony.

Pris. Counc. My Lord, before the act of parliament of the 2d of Geo. II. Cap. 25. the stealing or carrying away any bonds or other securities (or *choses in action* as they were then called) could not be felony, but by that act it is made felony. By this act of parliament it must be actual stealing or taking by robbery: what evidence has been offered to shew, that there has been any stealing or taking by robbery? if they are taken by the person that has possession (that is a right of possession) it is by the privity or consent of the owner, or by an actual delivery to the person, by him or his order, that cannot make it to be a felonious taking; the intention of the statute is only to make *choses in actions*, and which are part of a man's property, secure; that the taking of these shall be punished in the same degree and manner, as if a person had taken

goods or money to the same value. Where a thing is delivered to a person, and he is entrusted with it, though he unhappily abuse his trust, that will not make it felony; and for this purpose cited several cases and authorities.

The King's Council replied to this effect: that according to their argument, the whole question amounts to this, whether, as Mr. Waite had those bonds delivered to him, by the Court of Chancery, and did not come by them by any fraudulent means, this can be any more than a breach of trust, and to make this felony, would be going beyond what hath ever been known to be judged felony; and for that purpose have stated several cases, to shew that this cannot be felony. But I submit it to your Lordship, whether upon the whole scope of the evidence, the case does not appear to be this and no otherwise, that these bonds were legally, properly, and in point of fact, in possession of the Bank, and that Mr. Waite, though he was the hand that received them, and went to receive the interest upon them, was still only acting under that possession, in like manner as every person, who has the care of things, which are in the possession of another, may be said to act; that he gave receipts for these bonds it is true; but who was it for? why, for the Bank of England, and from these receipts the possession is fixed directly and absolutely in the Bank: the law charges the Bank just the same as if they were actually kept in the hands of the directors of the Bank; and the Bank has in fact, and it is nothing but what is founded upon the principles of equity and justice, made good the loss, which

has arisen by this to the proprietors; therefore considering this in every light, it cannot be taken otherwise than that this is the possession of the bank. How is Mr. Waite then to be considered? why, merely as a servant who has the care of them; and it was from this that he had the opportunity of disposing of them. Supposing then, I am right in that, the only question that does arise upon this, is, *quo animo* did this man take these bonds? he took them, gave them to a broker as his bonds; he sells them for him, gave him the money, and he put it in his pocket, *quo animo* was this done? I shall allude to the case put by Sir John Strange, the case of the Butler, which is law; my Lord Hales, in his *pleas of the crown*, treats on this question; I think his words as these; *he that hath the care of another's goods hath not the possession of them; and therefore may, by the felonious embezzling of them, be guilty of felony; as the butler, that hath the charge of his master's plate; the shepherd that hath the charge of his master's sheep. The like law for him that takes a piece of plate set before him to drink in at a tavern, &c. for he hath only a liberty to use, not a possession by delivery.* If a butler, by embezzling his master's plate, be guilty of felony (the plate that he has a charge of) how does Mr. Waite stand? had he any more than the charge of these bonds? if any of the bonds reach him it is the same thing as if the whole number were proved upon him: consider what his possession was; it was only their being in his hand to convey them to the proper repository; and when they had occasion to receive the interest, or the like, he is the hand to whom

whom these are committed to do this or that act relating to them; and I do not apprehend they are otherwise under his care than only for this particular purpose. Circumstances make a considerable difference, and the matter rests upon the application, and it is reducible to this *quo animo*, with what mind did this man do this? whether he did it with design to put the money into his own pocket; and if he did, it is the same thing as if he had gone to the coffer, took the money, and put it into his pocket.

Then they refer us to an act of parliament made very lately (since Mr. Waite's doing this) and say, it is a very plain parliamentary declaration, that no servant of the bank before that act of parliament, could be guilty of felony, for stealing notes or bonds, &c. and if it was a felony before, there would have been no occasion for this act. By a statute of the 1st of Queen Anne, it is enacted that whoever steals goods or chattels, to the value of 40s. in any dwelling-house, is guilty of felony without benefit of clergy; before this law it was a clergy felony; but by this act which they mention, 15 Geo. II. makes this stealing bonds, orders, &c. felony whether in a dwelling house or not. It makes *chofes in action* stand on the same footing as money or goods did by other acts; and tho' there was a provision made against this before, yet it was such, that if any person stole any bonds, &c. and it was not in the dwelling house, he had the benefit of the clergy. However, if this can be put in such a manner as to be serviceable to the prisoner, God forbid I should be against it. It has sometimes happened, that upon an insufficient finding, the prisoner has

has got off scot-free, because the court could give no judgment upon it. All that is to go before the jury is, *quo animo* did this man take these bonds, whether it was with a felonious intent, or was it a breach of trust? the law makes this distinction, whether it was a breach of trust or a felonious taking. The court cannot determine this; it is a fact, and lies before the jury. I only mention this, that we may not go into a mistake, so far as that this man shall not have justice done him, either to acquit or condemn him.

The court was of opinion, that it was not felony, before the late act of parliament, 15 Geo. II. but offered a special verdict, if the king's council desired it. They expressed themselves satisfied with the opinion of the court; whereupon the jury were directed to find the prisoner, Not Guilty.

[The Court was moved for leave to charge the prisoner with a civil action, which was granted; and he was accordingly charged, at the suit of the bank, with a debt of 1300 l.]

*The Trial of WILLIAM CHETWYND,
for Murder.*

WILLIAM CHETWYND was indicted at common law, for the murder of Thomas Ricketts.

He was likewise indicted on the statute of stabbing; for that he the said William Chetwynd, on the 16th of September in the 17th year

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year of his Majesty's reign, in and upon the said Thomas Ricketts, did make an assault, and with a certain knife, in and upon the right side of the belly, a little below the navel, of him the said Thomas, did strike and stab; of which wound the said Thomas did languish from the 26th to the 29th of September and then died.

The council for the prosecution having opened the indictment, and stated the facts, called their witnesses.

Note. This accident happened between two young gentlemen, who boarded at Mr. Clare's academy in Soho-square.

Master William Hamilton. I was a boarder at Mr. Clare's academy in last September, and the prisoner was then a boarder there.---I was present when the prisoner and Mr. Ricketts were together in the room.---It was on the 26th of September, there was Samuel Malcher, Thomas Ricketts, and Mr. Chetwynd in the room when I went in.---Mr. Chetwynd had got some cake, and Mr. Ricketts desired him to give him a piece of it; Chetwynd refused; I asked him for a piece, and he likewise denied me.

Court. What happened then?

Hamilton. Hannah Humphreys came into the room about that time. Mr. Chetwynd took the cake and cut a piece off, and laid it upon the bureau; Chetwynd asked him for it; and Ricketts laughing, went up to the maid, and told her, he had taken a piece of Chetwynd's cake; with that, Chetwynd came up to him, and demanded it again; Ricketts gave him no answer, but continued laughing: upon which Chetwynd struck him immediately with the knife he had

had in his hand, back-handed.---Mr. Ricketts was standing by the side of Mr. Chetwynd.---The blow was given just here, *pointing to the right side of his belly.* Upon which Mr. Ricketts cried out, he was afraid he was stabbed, and clapt his hand on his side. It was a pretty large clasp-knife.

Council for the prisoner. As you were school-fellows together were you not all friends?

Hamilton, Yes, we were.

Council. Which of the two was the biggest?

Hamilton. Ricketts was larger than Chetwynd.

Council. Did not Chetwynd give Ricketts a piece of cake that morning?

Hamilton. I heard he did.

Court. Can you recollect how these young gentlemen lived together, whether there was any ill-will between them, or whether they lived in a friendly manner?

Hamilton. I think they lived as the other scholars did.---I never knew any malice between them.

Master *Samuel Malcher*, being sworn, was asked how old he was? he replied, thirteen next January.

The Court then asked him what he thought would become of him, if he did not speak the truth? to which he answered I shall be unhappy everlastingly.

Council. Give an account of what you heard and saw of this unhappy affair.

Malcher. Mr. Ricketts asked Mr. Chetwynd for a piece of his cake, and Mr. Chetwynd gave

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gave it him. About a quarter of an hour after, he asked him for another piece, and Chetwynd refused it him, and then went out of the room, with the cake under his arm, and came in again.---He laid it down upon the bureau, and cut a piece off, and laid it down, and Ricketts came and took it,---snatched it away.---The cake lay before Chetwynd, and Ricketts put his hand beside him, took it away, and went to the window,---Upon which Mr. Chetwynd came and stabbed him, almost instantly.---Mr. Ricketts told the maid he was stabbed, and then went down stairs---Ricketts had nothing in his hand that I saw, nor said any thing to provoke him, as I heard.

Gross-examined.

Council. Were they good friends before this happened?

Malcher. I think so, they used to be so.

Council. When Ricketts asked him for the second piece of cake, was he not teasing him?

Malcher. No; he teased him about the first; and then he went out of the room, and Ricketts followed him. And when Chetwynd carried the cake out under his arm, and came in again, Ricketts still followed him.

Council. When Ricketts took the cake from Chetwynd, did he reach over his shoulder, or take it under his arm?

Malcher. He went under his arm and took it.

Court. When Chetwynd went to cut the cake, did not Ricketts offer to lend him a knife?

Malcher.

Malcher. Yes, and had it open; but Chetwynd said, he had a knife of his own.

Council. Were both the knives open when the accident happened?

Malcher. No; Rickett's knife was clasped, and put into his pocket, on Mr. Chetwynd's refusing it, and before the cake was cut and put upon the bureau.

Hannah Humphreys. The young gentlemen were in the dining-room, and I in the next room. I heard a noise, went in, and asked them what they did there, and why they were not in their own rooms? Mr. Ricketts made answer, that he wanted a piece of cake of Mr. Chetwynd. I said to Mr. Ricketts have you not had a piece? he said no; and smiled. I looked at him, and said, I believed he had, for there were some crumbs of cake about his lips; he smiled again, and said, he wanted another, or a bigger piece.---Mr. Chetwynd was then at the bureau cutting his cake---Mr. Ricketts went up to the bureau to Mr. Chetwynd, and Mr. Chetwynd lifts up his arms, and says, *don't, Mr. Ricketts*; and then Mr. Ricketts took the cake. He then came up to me, and said, Hannah, *I have got some cake.* Upon his saying so, Mr. Chetwynd came from the bureau to my right-hand, and in a very short time, Mr. Ricketts said, Hannah, *Mr. Chetwynd has stabbed me.* I looked at him.---I did not see the stab given---Mr. Ricketts had nothing in his hand, but a bit of cake.---Mr. Ricketts had not struck Mr. Chetwynd; nor was seemingly in anger.---Mr. Ricketts put his hand to his side; I bid him take it away, and then I saw a little blood;

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Mr. Chetwynd, said I, you have done very well; Mr. Chetwynd said, Hannah, if I have hurt him I am sorry for it. Mr. Chetwynd went out of the room, and next morning left the house.

Cross-examined.

Council. When you was in the next room, did you hear any rustling of feet, or only their tongues.

Humphreys. Only their tongues. It is my customary way, when I hear any noise among the young gentlemen, to go to them, in order to persuade them to be quiet.---Mr. Ricketts had a room up another pair of stairs.---This was the room where Mr. Chetwynd lay, he had no room to himself.---There was no motion or action between them as I saw before this thing happened. The bureau was behind my back, and Mr. Ricketts stood facing me, as I stood sideways, to the window with my work in my hand (darning a stocking) and Mr. Chetwynd was by my right-hand, we all three in a manner touched one another.---I did not see it done; for when Mr. Ricketts said he was stabbed, I lifted my eyes off my work, and said, Mr. Ricketts, you joke?---I did not see any blow given; and did not at first believe there was a wound.

Council. Did Mr. Chetwynd look to have any anger in his countenance?

Humphreys. No, he looked with concern; and said, Hannah, if I have hurt Mr. Ricketts, I am sorry for it.

Mr. *Beeston Long* being sworn, the prosecutor's council asked him, what discourse passed betwixt

betwixt him, and the deceased, after he had received the wound?

Mr. Long. I came to town on Monday night the 26th of September, and found a letter from Mr. Clare; wherein he acquainted me that Mr. Ricketts had met with an untoward accident, and had received a wound from a young gentleman in the house, but thought there was then no danger. I did not go to Mr. Ricketts that night, thinking there was no occasion for so doing; but the next morning I sent to Mr. St. Hill, whose opinion we always take when any accident happens in the family; I desired he would meet me that day (Tuesday) at the academy; which he did; and I found there Mr. Shipton and Mr. Middleton, who had likewise been called in; these three gentlemen, with Mr. M'Culloch Surgeon of the house, viewed Mr. Ricketts's wound, and thought him in very great danger; they continued attending him till Thursday morning the 29th, when he died. Mr. Ricketts told me, that on Monday about noon, he was sent to call Mr. Chetwynd to fence, and found him in the dining-room, with a cake, of which he asked him for a piece, which he gave him; that he then asked Mr. Chetwynd for another piece, which he refused; and cut a piece of cake, and laid it upon the bureau, which stood at the end of the room; Mr. Ricketts, to teaze Chetwynd, for having refused him (but without any intention of eating or keeping it) took up the piece of cake, carried it to the middle window, and said to Hannah the maid, who stood there, I have got a piece of cake; and that Mr. Chetwynd followed him, and immediately stabbed him in
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the belly.---Mr. Ricketts said, he never had any quarrel with him; and I believe it's true, for Mr. Ricketts was a lad of a remarkably good-natured disposition; and that he forgave him.

Mr. *St. Hill*, Surgeon. On Tuesday the 27th of last month, I received a letter from Mess. Drake and Long, desiring me to go to Mr. Clare's academy in Soho-Square, to see a young gentleman, whom they had the care of, who the day before had been accidentally wounded. I met there Mr. Shipton, Mr. Middleton, and Mr. M'Cullock; and by Mr. M'Cullock's account of the wound, who first dressed him, and the symptoms that attended it, we had too much reason to fear it had penetrated into the cavity of the belly, and that some of the viscera were wounded, for his belly was much swelled, and cross the upper part of it so very painful, as to deprive him of all rest, and his pulse were extremely quick and contracted. The next day we met again. He had had a very unquiet night; his pulse were extremely quick and low; and tho' his belly was not so much swelled, yet his pain cross the upper part of it was more severe, and attended with a continual hiccup, and frequent bilious vomitings. There is no doubt but the wound was the occasion of his death.

Mr. *M'Cullock*. I was called at half an hour after one, on the Monday, to go to Mr. Clare's; when I came there, I asked to see the knife, which was produced broke, as it is now. I probed the wound, but did not find, that time, that it had penetrated into the cavity of the belly; the deceased's pulse was extremely low,
but

but I thought that was owing to the fright; I went the next day, and upon searching the wound, I found it had penetrated into the cavity of the belly, and that it was a very bad case; upon that Mr. Middleton was sent for, and Mr. Shipton, and Mr. St. Hill.

The council for the prisoner called no Witnesses, admitting that the fact had been fairly laid before the court by the evidence, and acknowledged the candour of the gentlemen concerned for the prosecution, in representing it to the jury without any aggravation; but insisted, on his behalf, that however his hand might be unhappy, his heart was innocent; that therefore this fact could not amount to murder at common law, which the Lord Coke defines to be, *an unlawful killing another man with malice aforethought*, either expressed by the party, or implied by the law; that, in this case, there was not the least of that ingredient, their own evidence having shewed they were friends, friends to the last hour, when the gentleman said he forgave him. That it being proved there was a friendship subsisting, it would be talking against the sense of mankind, to say the law could imply any thing contrary to what is plainly proved. That deliberation and cruelty make the difference between manslaughter and murder. For which purpose they cited many cases and authorities.

Shall the young boy at the bar, who was doing a lawful act, be said to be guilty of murder? he was rescuing what was his own; the witnesses have told you, that after he had given Rickets a piece of cake,

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Ricketts went to him for more; he denied it him; he had a right to keep his cake, the other no right to take it; and he had a right to retake it.

There are cases in the books which make a difference betwixt murder and manslaughter. If a man takes up a bar of iron and throws it at another, it is murder; and the difference in the crime lies between his taking it up, and having it in his hand; Chetwynd had the knife in his hand, and upon that a provocation ensues, for he did not take the knife up; if he had, that would have shewn an intention to do mischief. It may be doubted, whether or no, when he had this knife in his hand for a lawful purpose, and in an instant struck the other, whether he considered he had the knife in his hand; for if, in his passion, he intended to strike with his hand, and struck with his knife, not thinking it was in his hand, it is not striking with his knife.

That it was to be considered, whether there was not evidence to except this case from the letter of the statute of 1 James I.

At the beginning of the fray, Ricketts had a knife in his hand; and it was one continued act. And another question was, whether there was not a struggle; here was the cake taken, and in endeavouring to take it again, this accident happens; at the first taking of the cake, it is in evidence that Chetwynd was forced to extend his arms to keep the other off; now there was no occasion for him to extend his arms, unless the other was coming to take it from him; and then a struggle is a blow.

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This act of 1 James I, was made for a particular purpose. On the union of the two Kingdoms, there were national factions and jealousies, when wicked persons, to conceal the malice lurking in their hearts, would suddenly stab others, and screen themselves from the law, by having the act looked upon as the result of an immediate quarrel. That this statute has been always looked upon as a hard law, and therefore always construed by all the Judges in favour of the prisoner. That when the facts amount only to manslaughter at common law, it has been the custom of the Court to acquit upon this statute.

The Council for the crown, in reply, submitted it to the Court, whether (since the only point insisted on by way of defence for the prisoner, were questions at law, in which the Jury were to be guided by their opinion) the facts proved and admitted, did not clearly, in the first place, amount to murder at the common law; and in the second place, whether there could be the least doubt in point of law, but that this case was within the statute of James I? upon the first it was admitted, to constitute murder there must be malice. But it was argued, that malice is of two kinds, either express or in fact, or implied by law.

But when one person kills another without provocation it is murder*, because the law

* Some have been led into a mistake, by not well considering what the passion of malice is; they have construed it to be a rancour of mind lodged in the person killing, for some considerable time before the commission of the fact, which is a mistake arising from

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presumes and implies malice from the action done. And therefore when any person kills another, it is murder. But it is not every provocation that extenuates the killing of a man from murder into manslaughter. A slight or trivial provocation is the same as none, and is not allowed in law to be any justification or excuse for the death of another. And therefore no words of reproach or infamy, whatever provoking circumstances they may be attended with; no affronting gestures or deriding postures, however insolent or malicious, are allowed to be put in balance with the life of a man, and to extenuate the offence from murder to manslaughter. *Kelyng. 130.*

For the same reason, no sudden quarrel upon a sudden provocation shall justify such an act of cruelty as one man's stabbing another, though it be done immediately in the heat of passion. As if two persons, playing at tables, fall out in their game, and the one upon a sudden kills the other with a dagger; this was held to be murder by Bromley, at Chester Affizes. *Kelyng, 128.*

In like manner, no trespass on lands or goods shall be allowed by the law to be any excuse for a man's attacking another in such a manner as apparently endangers his life, and could not be intended merely as a chastisement for his offence; because no violent acts beyond the proportion of the provocation receive countenance from the law.

from the not distinguishing between hatred and malice; envy, hatred, and malice, are three distinct passions of the mind; Kelyng. 126.

And

And therefore if a man beats another for trespassing upon his goods or lands, and does not desist, he will be justified by law; because what he does, is only in defence of his property, and no more than a chastisement to the offender.

But (says the L. Ch. J. Holt) if one man be trespassing on another, breaking his hedges, or the like; and the owner, or his servant, shall, upon sight thereof, take up a hedge-stake, and knock him on the head, that will be murder; because it is a violent act beyond the proportion of the provocation. *Kelyng. 132.*

That applying the rules of the law to the present case, it was plain, that the violent action done, bore no proportion to the provocation. All the provocation given was the taking up a piece of cake, which is not such an offence, as can justify the prisoner's attacking the person who took it up, with an instrument, that apparently endangered his life, or rather carried certain death along with it.

On the second indictment it was said, and the Council for the prisoner had in effect contended, that the statute of 1 James I. should never be allowed to comprehend any one case whatsoever, or to extend to any one offender, which would entirely frustrate that statute; since it was only made in order to *exclude* such others as stabbed others upon the sudden, *from the benefit of the Clergy*; and was intended as a sort of correction to the common law, by *restraining such offenders, through fear of due punishment, who were emboldened by presuming on the benefit of the Clergy, allowed by common law.* But if it is to exclude none from their Clergy,

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who at common law would have been entitled to it, it never can have any effect, and may be as well repealed.

And if the statute is to have any force or effect at all, there can be no doubt but that it must extend to the present case. It is expressly within the words; Mr. Ricketts was stabbed, having then no weapon drawn in his hand, and not having before struck the person who stabbed him. It is plainly within the intention; which is declared in the preamble to have been in order to punish stabbing, or killing upon the sudden, committed in rage, or any other passion of the mind, &c. And therefore it was submitted to the Court, whether upon the facts proved, and not denied, the consequence of the law was not clear, that the prisoner was guilty within both indictments.

Mr. Baron *Reynolds*, and the Recorder, (being the only gentlemen of the long robe then on the Bench) taking notice of the points of law that had arisen, the learned arguments of the Council, and the many cases cited upon this occasion, were of opinion, that it would be proper to have the facts found special, that they might be put in a way of receiving a more solemn determination. A special verdict was accordingly on all sides agreed on, and drawn up in the usual manner; viz. by giving a true state of the facts as they appeared in evidence, and concluding thus: *we find that the deceased was about the age of 19, and Mr. Chetwynd about the age of 15, and that of this wound the deceased died, on the 29th of the said September; but whether, upon the whole, the prisoner is guilty of all, or any* of

of the said facts, the Jurors submit to the judgment of the Court.

The Trial of THOMAS HILL, *for counterfeiting the Stamp on Cards.*

THOMAS HILL, of St. Martins in the fields, Middlesex, was indicted for feloniously counterfeiting and resembling upon a certain paper and thread inclosing a pack of cards, the impression of a seal, stamp and mark, made and used, in pursuance of a statute, to seal, stamp, and mark each pack of playing cards with the said stamp, intended thereby to defraud the King of the said duty, on the 10th of November, 1743.

Mr. Nock, chief clerk to the Secretary of the Stamp-Office, proved that the dye which was counterfeited, was made, pursuant to an order of the Commissioners of the 4th of June, 1736, and the plates for the ornaments by an order of the 5th of July, 1739.

Mr. Pyne, the King's engraver for the stamps, produced the specimen, and proved the making of the plates for the labels to be pursuant to the order of the Commissioners of the 5th of July 1739, from 105 to 117, from 118 to 131, from 183 to 195, and from 196 to 208.

Mr. Tustian. The prisoner has been my servant about eight years; about two years and a half ago, he told me he had a scheme in his head that would turn to my profit and his own; he said he could get a label made in order to stamp the cards with, adding, *if you will let me*

have ten guineas, to get things in order, I will get it done. I let him have the money, and then he wanted a rolling-press; said I, *what do you want that for?* he said, *I cannot do without it.* He got a rolling-press, and brought the man to me to pay for it; and I paid him forty shillings or two guineas, I then asked him what he expected a week? he said, eighteen shillings, I gave it him. In a little time he said, he was only working for me, and would have more; he would have twelve shillings a week, and two pence a piece for the labels. I found myself under a necessity of complying with it. The press was put up in my back garret in Charles-street by St James's Square. I was so ill, that I never was in the garret then nor since. He began to furnish me with labels and stamps about two years and a half ago, and continued to furnish me till within these three months, only there were some intermissions when I was sick; for I used to put the labels upon the cards. They are to denote the King's duty being paid.---I sold a great many cards with the counterfeit stamp.-- I believe about four or 5000. We used more of the Stamp-office labels than we did of the counterfeits.---After he went from me to set up for himself, I gave him two-pence a piece when he worked.---He continued but a very few weeks at eighteen shillings, then I gave him twelve shillings per week, and two-pence a pack; and upon these conditions we continued I believe about twelve months, then he left me.---I do not know where he worked for he never would tell me.---After he left me he had no weekly wages, only two-pence a pack for the stamp. He wanted me to leave

off trade, and trust him with all I had in the world; and because I would not, he went away in a huff, and took a house at the Knave of Clubs in the Haymarket. The press was gone out of my house long before our difference.---I never saw it, and don't know that he ever used it.---I have heard that the stamps may be taken off so as to be used again; I cannot tell whether he ever did so, I never did.

Q. What do you call these papers that inclose the cards?

Tustian. A wrapper for a single pack is called a *Jew*; and a wrapper for six packs, is a *Sessim*.---The stamps are pasted on at our houses by the officers of the Stamp-office.

Q. Is it not usual for gentlemen's servants to take the stamps off the cards with warm water and sell them.

Tustian. I believe it is done; but I never asked the price of one.

Philip Pinkney. I am clerk in the Secretary's office; in the month of September I had an information, that Thomas Hill the cardmaker had taken a house in a passage in Long-lane, Southwark; I suspected that he made cards secretly, and got a warrant to search; I found in his garret a rolling-press, two flat stones, one with some pink-coloured paint upon it, and a stone they call a muller; a grate to set a pan of charcoal upon, to warm the plate over; red paint mixed, and unmixed; oil, whiting, and such as they use in the office for making labels. Upon finding these things I suspected he had counterfeited the stamp. (Mr. Hills book was produced) I think this is what they call his

day-book. I have examined it, and find, that he has sold, and delivered to persons upon credit, 901 dozen, which is 10,812 packs of cards, since September last; and the prisoner has enter'd at the Stamp-office, in that time 7678 packs; so that he has sold 3134 packs more than he has paid duty for, besides what he has sold for ready money. This is exclusive of cards for transportation, for he gave bond for them. I verily think this to be his hand-writing.

Q. Is not red paint used in painting the pipe upon the cards?

Pinkney, Yes; but they don't make use of oil in that, but this was mixed with oil.---The rolling-press is necessary in printing of *Sessions*, but not the oil.

Mr. Pyne. A rolling-press is not necessary in the business of a cardmaker; there is no occasion for a rolling-press for the *Jews*, if they are done in wood as they commonly are. *Sessions* are usually done upon copper, but I never knew a cardmaker that made them himself, because they can buy them by the thousand cheaper.

Q. Did you find any plates or dye in the prisoner's custody?

Pyne. No, neither plates, dyes, nor stamps; but there was a paper found with a piece cut out of it, just the bigness of the stamp, which is used upon the cards.

Joseph Farvis. On the 31st of December last, I bought three half-dozen packs of cards of the prisoner, and sold four packs of them to Mr. Pyne; I believe these are the cards; I wrote my name upon them; and they were sealed up with my seal.

Pyne.

Pyne. Mr. Jarvis and I both wrote our names upon each pack of cards.---These are every one of them different stamps from the stamp of the office.

Q. What difference have you observed between the stamp of the office and that?

Pyne. The first difference I observe is, that in the stamp, which is the arms of Ireland, in one quarter of the King's arms, in the stamp of the office there are but five strings, in this there are seven or eight, but they are so blind, that one runs into the other. I next observe, that from the buckle of the garter, to the end of the strap, is a considerable deal longer in this than in the stamp of the office; and there are four more stobs or holes in this for the tongue of the buckle to go in, than in the stamp of the office. My next observation is, the arch of the crown on the top of the garter, is more arched, and brought down to the middle of the cross, more in this than in the stamp of the office. Also, the top of the letter N, in the word pence, under the garter, is a great deal nearer the bottom of the garter than in the stamp of the office. Then in the label, there is a great deal of difference in the number 201 (these four packs are all of that number) in the word *stamp* there is a difference, in the stroke that goes cross the T; the P in the same word is different; the stroke that runs from the O through the two FF's, to the I, is different; and several other differences, by which I am thoroughly satisfied they are not the marks of the office.

Q. Look at that specimen, and see how many strings there are?

Pyne. There are more than five strings here, but this was made in 1714.

Q. Look at the specimen in 1736, and see how many strokes there are there.

Pyne. There are no more than five here; that is the dye in use; it never was, and cannot be repaired, the steel is made so hard. When one dye is wore out, there is another dye made.

Q. What letters are on the present stamp?

Pyne. Both A and B; they are both used at a time for the dispatch of business; only H and B are used for cards; it is only the B that is counterfeited.

Q. Look upon the A and B that are now in use in the office, and see if there is any difference.

Pyne. It is hardly possible to see a difference.

Prisoner. Does not the pasting on the label spread the dye in the middle?

Pyne. It cannot alter the distance of the letters?

Prisoner. Can you take upon you to say, that Mr. Rollis has not made an alteration in the dye?

Pinkney. The dye was never altered; it has never been in Mr. Rollis's custody since it came into the office; we have had no dye come into the office since the year 1736; the dye is locked up every night in the office.

Daniel Mackay proved, that he bought four dozen of cards of Mr. Hill, of which he sold eight packs to Mr. Pyne, which he marked with his own name.

Pinkney.

for counterfeiting Stamps.

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Pinkney. I believe I was at the buying of these cards, here is my name upon them; I am sure all these eight packs are counterfeited.

The following letter was proved by Mr. Pinkney to be the prisoner's hand-writing.

To Mr. Tustian. These.

Newgate, Nov. 17, 1743.

SIR,

I understand you have made yourself an evidence against me, which very much surprized me. I beg you let me know the particulars of what you have said, for the thoughts of your making yourself an evidence against me gives me more concern than being in this most miserable place. I understand you have a good room to be in, but I have none, nor no money for me and my family, nor nobody to come near me of any signification. I beg you will consider of some method of sending me some money, and a particular account of what you have said, by the bearer. The world, I find, runs away with a notion of my impeaching you, but I declare before God and the world, that I never said any thing against your character in my life. Pray send what you send me inclosed, and an account of what you have said, to a miserable creature. THOMAS HILL.

Prisoner. I beg leave to observe, that the fealing in the cards will make such an alteration in the dye, that they are not like one another; and I have witnesses to produce, that sometimes Mr. Pyne has said, he could not tell what to make of them.

The prisoner called several witnesses to his character, some of whom had known him twelve

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Of fourteen years, and gave him the character of an honest, industrious man, and did not think he would be guilty of the crime he was charged with.

The Jury found him not guilty of counterfeiting the stamp; but guilty of uttering, vending, and selling cards with a false and counterfeit stamp, knowing it to be false and counterfeit.
Death.

The Jury begged the favour of the Court to recommend him to his Majesty's mercy.

The Trial of HOSEA YOEELL, for Murder.

HOSEA YOEELL, and JACOB LOPEZ, were indicted for the murder of Captain Joseph Johns, September 23, 1747.

Joseph Grindal. On Wednesday the 23d of September, between ten and eleven at night, I was desired to come to Sandwich-Court, Devonshire Square, to a gentleman that had been robbed and stabbed in the body. I came and examined the wound, and found there was a portion of the sword left in the body, about half a hand's breadth below the right breast. The sword stuck so fast in, that it was with great difficulty I got it out. I imagined that it passed through the liver, by the symptoms he had afterwards, and I believe it to be the occasion of his death. When I took the sword out it was nine inches long, and we were forced to enlarge the wound to get it out.

Q. When he thought himself in danger of death, what did he tell you?

Grindal

Grindal. He told me he was coming up Sandwich-court, between 10 and 11, and two men whom he imagined to be Jews, met him; they attacked him, and took his watch and money. He let them go off quietly, but hearing people coming towards him, he found he had the prisoners betwixt them and himself, and cried out, stop thief. Upon which one of them returned and gave him this stab in the body.

Q. Was it dark?

Grindal. There were lamps light enough for him to see the persons; and he told me if he was to hear the person speak again, he believed he could swear to the man.

Q. Did Capt. Johns describe the height of the persons?

Grindal. Yes, Sir; I think he said, one was a tall man, the other a short man; but I can't be positive.

William Love. I went to see Capt. Johns at the Dolphin, while he lay in this manner. I went to him four times. The first time was on Thursday morning, then on Friday, and twice on Saturday. The occasion of my visiting him on Saturday was, as I was going along by the constable's door, he called me in, and said, the rascal we were in pursuit of, had surrendered himself at the Poultry Compter. I went to the Compter and asked for the prisoner. He came to me, and I asked him what he knew of this murder? he said he should know the sword. I said no more, but went and acquainted Capt. Johns with it.

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Q. When you went to Capt. Johns on Saturday morning, how did he appear to be then?

Love. He spoke very hearty, but said, he believed the sword had gone through his liver, and that he should die. I asked him, if he should have any knowledge of the man? he said, he believed he should. I asked him, if he was willing to see him? now, Alderman Rawlinson had examined the man; so he said, I might bring him to him. When I came to Youell, I sent both our beadles to the Alderman, who came presently; as did likewise Mr. Chattam, clerk of Guildhall. Being come into the room, and every thing still and quiet, the Alderman asked Capt. Johns if he knew the man? he looked at him, and said, that is the man that stabbed me. The Alderman said, as you are a dying man, I hope you will have a regard of what you speak, he said again, he is the man that stabbed me. With that, Youell looked Johns in the face, and said, do you know me?

Q. Had Youell spoke before the deceased said, you are the man that stabbed me?

Love. He had not spoke before that; and Mr. Chattam, the clerk, took down what the deceased said.

A further examination of Joseph Johns, taken before me, Sept. 26, signed

THO' RAWLINSON.

The examinant further saith, that the person present, who says his name is Hosea Youell, is one of

of the persons concerned in robbing, and the very person who stabbed this examinant, to the best of his knowledge and belief,

The mark of
+
Joseph Johns.

Witness *William Love,*
James Chattam.

He died in about fifteen minutes after his signing that paper, and was in his senses as much as any man in this Court.

Q. to James Chattam. What did the deceased say to Youell while you was there?

Chattam. I asked him if he knew the prisoner that was before him? and he said, he was one of the men that robbed him, and stabbed him; which he said two or three times over.

Q. Did you hear the prisoner say any thing?

Chattam. The prisoner said in a hasty manner, are you sure I am the man? he answered, you are the man. I asked the deceased, how he was so positive to the man? he answered, there was a glimmering of light from the lamps, that he could see pretty well; and he could know him from his voice. The deceased took hold of my hand, he found he should not live long, and desired that this man might be brought to justice; and if his watch was found, that it might be given to a person then in the room; then I went down to the Alderman. When Youell was told that the Captain was dead, he was struck with horror, and desired to be made an evidence. The Alderman asked him what he had to say? he said, he was not the man that stabbed him, but it was one Hart.

Q. Where was the sword?

Chattam. It was found in the court where the Captain was stabbed, and tallies exactly with the other piece. When the sword was shewed to Youell at the inn, he was then hand-cuffed, and desired he might be at liberty before he would speak. He was asked, if that was not his sword? and he looked at it, and prevaricated pretty much, and said; that his sword was a little thicker and blacker.

Mr. Richardson, City Marshal. I took Youell before the deceased Capt. Johns, to see if the Captain knew him. I carried him into the room before any of the rest come; when he was in the room, the Captain ordered the curtains to be undrawn, and viewed him very narrowly for some time before he spoke; then with a good deal of resentment, he said, you barbarous villain, you are the rascal that stabbed me. The Captain said, turn about, friend, and flap your hat, and put it on, now, said he, say, d---n your eyes! said the prisoner, I never could swear such an oath in my life, so I desired he would, for the satisfaction of the Captain, which he did, tho' with much ado. Then the Captain said, you are the man that stabbed me, I am positive on it.

Q. Did Youell give him any answer?

Richardson. He said nothing. Capt. Johns said, I declare he is the man, I know him by his stature, habit, and voice. This was about an hour and a half before Capt. Johns died; he might die about half an hour after five. About half an hour after this first time, Alderman Rawlinson came down, then he had another sight of him, and declared that he was the man.

man. Then I asked the Captain about Lopez, and whether he would see him? I told him, we had got a tall thin man, who was much suspected. He said he would not, for the person who was a confederate with Youell, was of his stature, rather broader set than the prisoner. After the Alderman had taken the examination, one told me, Youell wanted to speak with me in private, and would speak with nobody else; and we went into a private room together, and Youell burst into tears, and said, for God's sake Mr. Marshal use your best endeavours to take John Hart, or else I shall be hanged, and desire the Alderman to admit me an evidence against him. Hart, said he, was the man that gave the blow, and for my own part, I was forced into it; he ran after me with a long knife, and threatened to stab me if I would not go a robbing with him. Then I went with him to the Alderman, and there he prevaricated; he said he was within twenty yards; word was brought down that Capt. Johns was dead, then I suppose he thought there would be no evidence against him.

The prisoner, in his defence, called several Jews to his character, who, in general, gave him that of a very honest man; and some of them swore, he was in their company till past twelve o'clock the night the murder was committed: but the jury, giving more credit to the evidence against him, found him guilty. *Death*; but acquitted Lopez.

In order to set this matter in as true light as possible, and shew the justice of the verdict and sentence passed upon him by the court and jury, it will be proper to relate the manner of
his

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his apprehension, or, rather, the surrender of himself into the hands of those who secured him.

Having been charged by his acquaintance, as well as others, as one of the persons guilty of the robbery and stabbing Capt. Johns, he utterly denied it; and thinking to prove his innocence, determined to surrender himself. Accordingly he went to Woodstreet Compter with this intent; but not knowing to whom to address himself, after staying some time about the gate, and nobody taking notice of him; he went to the Poultry Compter, and staid a considerable time, till he was at length observed, and asked what he wanted? He replied, to clear himself. Being asked, of what? he began his tale; told them he was a Jew, and that he was so often charged by his acquaintance of being guilty of robbing and stabbing the gentleman near Bishopsgate, that he could hear it no longer, and was now resolved to prove the accusation false. The persons to whom he told this plausible story, not knowing how to act in this extraordinary affair, desired him to walk in, and in the mean time dispatched a messenger to the Churchwardens of Bishopsgate, where the unfortunate gentleman lay dangerously ill of the wound he had received of the villains who robbed him. When the Churchwardens came, they examined Youell afresh, and perceiving, by his telling the story, that he must know somewhat of the matter, notwithstanding his protestations of innocence, sent for a proper officer, and charged him with suspicion, and carried him directly before a Magistrate, who examined him very closely, and by his answers had so much reason

reason to believe him guilty, that he remanded him into custody, while he went himself to the Dolphin inn in Bishopsgate-street: what passed there has been related already in the course of the evidence.

Hosea Youell, according to the ordinary's account, was about eighteen years old, born in Creed-lane, Leadenhall-street, of Jewish parents. He was so extremely illiterate, that he could not read the English, or Jewish or Hebrew language. Religion of all kinds, even the Jewish, he was an utter stranger to, and had no more to say about it, than that he loved to hear the name of God. Being told of the advantages of the gospel, superior to those of the mosaic dispensation; he said, he had heard of such things, but as he was a Jew by Birth, and bred that way, he would live and die such. All he said was with hesitation, as if not willing to give a ready and direct answer; and desired to be left to the care of his own people; which was agreed to.

He obstinately persisted, as well at as after his trial, in denying the murder of Capt. Johns. He was bred to no business, though sometimes he used to work with a Chocolate-maker; and at other times to go to Rag-fair, and buy old cloaths; and among other things, this sword, which did the bloody deed, and which, he said, he sold to one Hart, and never saw him afterward; which is directly contrary to what he before declared, viz. that Hart was the man that gave the blow; and that for his own part he was forced into it, Hart running after him with a knife to stab him, if he would not go a robbing with him.

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At the place of execution, Youell was attended by a person, who, in the Jewish manner, read the service to him for some time. He frequently called to the people, and desired all young men to be careful how they went into company with others, without knowing what manner of persons they were; but still positively denied the fact, declaring he was innocent of the murder,

The Trial of Captain LAVERICK and Mr. PRISWICK, for Murder in a Duel.

JOHN LAVERICK, Gent.^o and CHRISTOPHER PRISWICK, Gent. were indicted, the first for the murder of John Dawson, Gent. and the other for aiding, abetting and assisting him therein.

Duggin, an assistant at Mrs. Phillips's Bagnio, deposed as follows.

On the 13th of April, 1748, the day the duel was fought, Capt. Dawson, Mr. Laverick, and Priswick went out; by my mistress's order I followed them, for Capt. Dawson said he had been very ill used at Darkins's Coffe-house in Tavistock-street. In following Dawson, I saw him go into a cutler's shop, where he changed his sword; and from thence went to George's Coffee-house in the Hay-market, and staid there about an hour, when Capt. Laverick, and Mr. Priswick went in. Soon afterwards they all three came out together, and went into a coach, which

which carried them to the end of Ruffel-street; and then they walked down Southampton-street into the fields, towards Montague-house; then coming up to the wall, Capt. Laverick took Capt. Dawson by the hand, seemingly in a friendly manner; upon which they put up their swords; and all three walked on towards Tottenham. After they were got some way into the fields, Mr. Priswick came and said, he (the witness) should not follow them; I said, I hoped the consequence would not be bad. Priswick answered, he would do what he could to prevent mischief. Presently I saw their swords drawn, and they were pushing at one another. Upon which Priswick hastened back as fast as he could, and endeavoured to break their passes. Soon after, I saw Dawson fall, and coming up to them, both Dawson and Laverick were down, upon which I desired Mr. Priswick to take care of them while I went for a coach and a surgeon; but on my return I found Dawson was dead.

Thomas Squires confirmed Duggin's evidence, and added, that seeing the two gentlemen engaged, I and Mr. Johnson, my companion, ran to them, and found them both down; and Laverick getting up went to Dawson, and said, dear Dawson, speak; but all the answer he made was, oh! or oh dear! or something like it.

Capt. Waddington deposed, that on the 5th of April, being at Brown's Coffee-house in Covent-Garden, Laverick coming in, Dawson said to him, I gave you my sword to defend yourself, but you would not (referring to a quarrel

quarrel between him and Capt. Roach) I desire you will never be seen in my company hereafter; upon which Laverick called him silly puppy. Dawson thereupon put his sword in the scabbard, and struck him on the head with the hilt, and a struggle between them ensued, but they were parted; and I put Mr. Dawson in a chair immediately and sent him home. I saw Laverick five days afterwards, who said, he had not then heard from Dawson, and he supposed it was all over.

Mrs. Darkin, who keeps a Coffee-house in Covent-Garden, gave much the same account of the original quarrel, as the preceding witness had done, with these further particulars. On my coming home from the play, Mr. Dawson said to me, *how came Capt. Laverick to say he would cane me? he is a rascal and a scoundrel.* Mr. Laverick coming in, said to Dawson, *You have used me ill before a great many gentlemen, when I was so drunk I was not able to defend myself;* and Dawson talked of fighting. Laverick said, he did not love to fight in a Coffee-house; and Dawson said, he would fight him now. Mr. Laverick said; he had no sword, and Dawson put his sword into his hand, and said, *take mine, and I will get another.* Laverick took the sword and threw it out of doors, and said, *you puppy, do you think I have nothing else to do but to fight with you? I will not fight.* Upon that, Mr. Dawson struck him cross the head, and said, *I find you will not fight, take that then.* They went out of doors, and staid a couple of minutes; and when they came in again, Dawson said to Laverick, remember, Sir, you are
to

to meet me To-morrow at twelve o'clock at George's Coffee-house; Mr. Laverick said, he would; and Mr. Dawson answered, if he did not come according to promise, he would post him for a rascal and a scoundrel, and went away immediately. Mr. Priswick coming in between twelve and one o'clock, went up stairs into the company where Laverick was, who told him, that Dawson had challenged him to fight; Priswick answered, he would go with him, and be his second; Mr. Laverick said, there was no occasion for that, for I do not know that Dawson has any second; but I believe we shall only frighten one another, we shall not fight, for you lost my sword two days ago. Priswick answered, you shall have my sword. Mr. Laverick taking it in his hand, said, he would not have it for the world, for it was cut and thrust.

Mrs. Darkins's two maids confirmed the evidence she had given.

Mrs. *Philips* of the Bagnio. Capt Dawson generally lodged at my house, but was to go away the next day, that is, the day when the duel happened, but he said he would not go, till he saw whether Mr. Laverick would fight him or not; for, said he Laverick may raise a report, that I would not fight him. Mr. Priswick coming in, said, Mr. Dawson will you go? he said, he would, but I said, he should not, till I knew what he went for. Mr. Priswick then said to Dawson, Laverick says, if ever he meets you, he will cane you, but don't tell him that I told you so. Mr. Dawson replied, what does that rascal say he wil cane me? if he does, I am the first of the family that ever was caned. Upon

which I said, Mr. Priswick, it is wrong in you to promote a quarrel, and persuaded Mr. Dawson not to go out; and, to oblige me, he said, he would not; and Mr. Priswick went away. The next morning Mr. Dawson went out, and she bid her man follow him, to observe where he went.

Mr. Sledge, a Surgeon, deposed, that being come to the place where the duel was fought, he went to Mr. Laverick first, whose coat was unbuttoned, and the breast of his shirt bloody; who desired me to go and dress the other gentleman, for he wanted my assistance most; and asked me, how Mr. Dawson did? I told him he was dead. Mr. Laverick replied *is he dead that I loved so much?* and turning to Mr. Priswick said, I believe you might have prevented this unhappy accident, if you had said something in the coach, *which neither of us could do.* Adding, if you had come up when I received my wound, you might have prevented this unhappy accident, and Dawson would have been alive. Mr. Priswick said, what could one man do between two with swords?

Mr. Johnson was the last witness called to the fact who deposed thus: As I was walking in the fields, I saw the two gentlemen draw their swords; upon which Mr. Priswick beckoning to me, I went to them, and saw both upon the ground, but getting up, they fell to fighting again; Mr. Priswick endeavoured to beat down their swords with his right-hand, and took their swords from them; Mr. Dawson fell down backwards, and Mr. Priswick went to speak to him, but I said, I believed he was dying, and heard him say, *oh! or oh dear!* then Priswick went

to Mr. Laverick, and he to Mr. Dawson, and said to him, for God's sake, Dawson, speak; and I said I believed he would never speak any more.

Several gentlemen were called to the characters of Capt. Laverick and Mr. Prifwick, to shew, that they were both peaceable men, and never willingly engaged in any quarrel whatever.

The Jury found Capt. Laverick guilty of manslaughter; and acquitted Mr. Prifwick.

*The Trial of KINGSMILL, FAIRALL, &c.
for breaking open the Custom-house at
Poole.*

THOMAS KINGSMILL, otherwise *Staymaker*, WILLIAM FAIRALL, otherwise *Shepherd*, RICHARD PERIN, otherwise *Paine*, otherwise *Carpenter*, THOMAS LILLEYWHITE, and RICHARD GLOVER, were indicted for being concerned, with others, to the number of thirty persons, in breaking the Kings Custom-house at Poole, and stealing out thence 300 weight of tea, value 500 pound and upwards, October 7, 1748.

Capt. *Johnson*. Having a deputation from the customs, to seize prohibited goods, on the 22^d of September 1747, I had sight of a Cutter, called the *three brothers*, chased and took her. I found she was loaded with tea, brandy, and rum; there was a delivery of it 41 C. 3 grs. gross weight, in 82 parcels, there were 39 casks of rum and brandy, eight and four gallon casks, slung

slung with ropes to be hung upon horses, as smuggled brandy commonly is. These goods I carried to the Custom-house at Poole, and delivered them to the charge of the collector, William Milner, Esq. The tea was deposited in the upper part of the warehouse, the brandy and rum in another part beneath.

Mr. *Milner*, the collector, confirmed Capt. Johnson's evidence in regard to his lodging the tea in the Custom-house; and added, that Oct. 7, I was informed that the Custom-house was broke open; the staples were forced out of the posts; about five or six foot further there was another door broke open; at the door of my office, the upper pannel was broke in pieces, as if done with a hatchet, by which means they could easily come at the lock, which was broke; and another door, leading up into the warehouse, was broke in pieces, whereby a free passage was made up to the tea-warehouse, and all the tea carried off, except what was scatter'd over the floor.

John Raife, an accomplice. The first time I was with them about it, was in Charlton-park; there was only Richard Perin, of the prisoners, then there. It was then agreed to break open Poole Custom-house, and take out the goods; and Edmund Richards set all their names to a paper, signifying their consent thereto; this was about three or four days before they went upon it. The Monday after, they met at Rowland's Castle; they were all there except Kingsmill and Fairall; they were armed with blunderbusses, carbines, and pistols, and met there to set out together. When they came to the Forest of *Bare*, the hawkhurst gang
met

met them, with a little horse carrying their arms; they went in company till they came to Lindoft; there they lay all day on Tuesday, then all the prisoners were there, then they set out for Poole in the glimpse of the evening, and came there about eleven at night. They sent Thomas Willis and Thomas Stringer, to see if all things were clear for them to go to work, in breaking the warehouse, &c. Willis came back, and brought them word, that a large sloop lay up against the keys, that could plant her guns against the Custom-house door, and tear them to pieces, and that it could not be done; upon which they turned their horses, and were going back. Kingmill and Fairall, and the rest of their countrymen, said, if you will not do it, we will go and do it ourselves. This was the hawkhurst gang; John and Richard Mills were with them; they were fetched to help break the Custom-house, &c. Stringer came and told them that the tide was low, and that the vessel could not bring her guns to bear to fire upon them. Upon this they went on to Poole, till they came to the Sea-side; there they quitted their horses, and Perin and Lilleywhite staid to look after them. As they went along, they met a lad, whom they kept prisoner. Coming to the Custom-house, they broke open the door; there were two men who lay in the under part of it, these they took prisoners; then they broke open the door of the inside, and finding the tea, took it away; there was 37 C. 3 qrs. They brought it to the horses, and loaded them with it. The horses were about 200 yards off the Custom-house, and the five prisoners indicted were

were there. From thence they went to a place called Fordings-bridge, where they breakfasted and fed their horses. There were thirty one horses, and thirty men. Coming to a place called Brook, they got two pair of Steelyards, and weighed the tea, and equally divided it to each man his share; it made five bags a man, about twenty seven pound in a bag; the two men that held the horses had the same quantity.

William Steel, another accomplice, gave much the same account as Raife had done.

The prisoners had nothing to say in their defence, or to invalidate the evidence: but a great number of persons of worth and credit appeared to the characters of Lilleywhite and Glover, declaring their belief that they never were smugglers, either before or since; and that they were forced or inveigled into the commission of this particular fact. Lilleywhite was acquitted, and Glover found guilty, but recommended to mercy by the Jury. The rest received sentence of *Death*.

Thomas Kingmill, otherwise *Staymaker*, aged 28, was born at Goudhurst in Kent, a young fellow of daring spirit, and for some years employed by the chiefs of the smugglers, the monied men, or merchants, as they are called among themselves, in any dangerous exploit. As he had the character of a bold and resolute man, undaunted, and fit for the wicked purposes of smuggling, so he wanted not business, but was a companion for the greatest of them all, and was always at their service when wanted or called upon. He would own nothing of himself, and could scarce be persuaded he had done any

any thing amiss, by following the practices of smuggling. He was in the Hawkhurst gang, and very active in this whole affair.

William Fairall, otherwise *Shepherd*, aged 25, was born at Horsendown-green in Kent, bred to no business, but had followed smuggling from his infancy, and seemed as well qualified for that work as *Kingsmill*; and it was generally believed, that they were concerned together in most, if not all, their undertakings.

Fairall, at his trial, seemed to shew the utmost audacity and unconcern, and even to threaten a witness, as he was giving his evidence; and manifested by his countenance his contempt of all that was said to or against him. He also was one of the Hawkhurst gang, and one of the most forward and busy in this affair; yet he would not own any thing that should endanger his life. However, his own countrymen were glad they were rid of him, because he was so desperate a fellow, that no man thought himself safe who had done any thing to offend him. For instance, he was once apprehended, and as the officers were setting out to carry him to the New Gaol in the Borough, he made his escape from them; he immediately meditates a revenge upon the gentleman, who, he heard, had granted a warrant against him. The gentleman going abroad one day, *Fairall* and *Kingsmill*, with others, way-laid his return in the evening, near his own park-wall; but some incident happening which retarded his return, in all probability saved his life; for their patience being tired out, they were over heard to say, d--n him, he won't come home to night, let's be gone about other business,

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business, and so went away very angry at their disappointment.

Richard Perin, otherwise *Paine*, otherwise *Carpenter*, aged thirty six, was born at *Chichester* in *Sussex*, bred a carpenter, and had good business, till being deprived of the use of his right-hand by the palsy, he left his trade, and took to smuggling. He was always esteemed an honest man in all other affairs, and therefore was entrusted to go over the water to buy goods for them and for himself too, as he traded that way in brandy and tea; and he it was that went over for this very cargo of goods that was rescued from *Poole Custom-house*.

None of the three would own any particular share he had in the fact; but said, they knew best what they had done, and for what was amiss they would seek God's forgiveness, and continued so to declare to the last.

*The Trial of WILSON, PENLEZ, and
LAUNDER, for a Riot.*

JOHN WILSON, BOSAVERN PENLEZ, and BENJAMIN LAUNDER, were indicted for feloniously assembling to the number of forty and upwards, and beginning to demolish the house of *Peter Wood*, July 4, 1749.

Peter Wood. I saw the prisoners at my house (the *Star* in the Strand) in the night between the 2d and 3d of July; there were about 400 of them; they came ringing a bell, crying out, *the Host!*

Host! the Host! about fifty of them passed by my door; I made them a bow, and said, good night; but when the bell came opposite my door, they wheeled about, and turned back towards George's Coffee-house; then they all surrounded the place; the first stroke was at the lamp at my door. I begged for mercy; saying, gentlemen, if I have done any thing wrong, take me to the watch-house, or any place of safety. Then they all fell to breaking my windows, shutters, sashes, glass, &c. said I, I'll give you ten pound, nay, twenty pound if you will desist; this offer stopped them a little; but a grave gentleman came jumping over the way, and said to them, haul away my lads, never mind it; then they laid all open, eight or ten of them came into the parlour, and Wilson and Penlez among them; they broke the partition with their sticks, pulled out the pieces with their hands, destroyed all the furniture in the parlour, and threw it into the street, and broke down my bar; I was knocked down on the stairs, and there lay, some cried out, he is killed. Wilson and Penlez coming up stairs, said, you dog, are you not dead yet? then I kneeled down on my knees, kissed their hands, and begged for mercy. Then the guard came, with a drum beating, upon which they all took to flight. I went up stairs immediately, and in the dinning room, which, before, had in it a bed, pictures, chairs, a mahogany table, and other furniture; every thing was gone out of the room, except a little marble slab; the windows all torn to pieces, and the frame pulled down.

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Question. Who paid the rent and rates for this house?

Wood. The house went in the name of one Thompson, who was neither landlord nor tenant, yet the scavenger's rates were paid in his name; and the reason of this was, because it was accounted a disorderly house; and at the time of this riot, I had no licence, an information having been laid against me for retailing spirituous liquors for which I was obliged to pay twenty pound.

Question. How could you distinguish Penlez when you was knocked down upon the stairs?

Wood. I was upon my legs when I saw him, and nobody was betwixt us, and had hold of him by the hand two or three times, begging of him to desist; they cried out, they would destroy all the bawdy-houses in general.

Mrs. *Wood*, the wife, confirmed the foregoing particulars, and added, I was very much abused by them. I saw Wilson and Penlez among the rest, breaking and destroying the things; in the back parlour they broke a bureau, and took out about fifty pound in money, and cried out hurry, hurry, down with it my boys; the prisoner Launder I saw knocking at the clock with a stick or cane, and knocked me down; and that 300 l. would not make good the damage.

Reeves, their servant, confirmed the above particulars.

John Mixon, collector of the scavenger's rate, On applying to Mrs. *Wood* for the rate, she told me Mr. *Wood* had nothing to do with the house, and she would not pay to his name.

Then

Then opening the book, I said, it is John Thompson here, and she paid it in his name.

Question. Do you think Wood or his wife were to be believed on their oath?

Mixon. I think not, and for my own part, I would not hang a cat or dog upon their evidence; that they kept a bad house, and have threatened my life, and my neighbours were afraid to appear against them.

The prisoners called several persons to their characters, and their friends in general spoke very well of them: but the facts being too notorious to be denied, Wilson and Penlez were found guilty, and Launder acquitted; Wilson was afterwards respited; and Penlez only carried to execution.

Bosavern Penlez, aged twenty three, was the son of a clergyman near Exeter, who, while he lived, gave him a proper education. After his father's death he was taken care of by his friends, who bound him apprentice to a barber and peruke-maker in Exeter, with a sum usually given by the sons of the clergy with a clergyman's son. He served his time out faithfully, and about two years ago came to London, with a view to improve himself in his business, and lived in several places with reputation, and behaved himself very well, till the unfortunate July 2, 1749, when he was taken up for being concerned in a riot, at the Star in the Strand; the whole of which was owing to his being drunk, and not to his natural temper; as appears from the following account of his behaviour for that whole day, as well as at night, wrote with his own hand, while he lay under sentence of death in Newgate.

This is as near an account as I can give of that unfortunate day. I left my lodging about 9 o'clock, and went into the Strand, and from whence I returned at 11 o'clock, and came to Mr. Pearce's in Wych-street: where, since I came to this part of the town I left my cloaths. I then shifted myself, and before I left that place, there came in Mr. Taylor an acquaintance of mine. He and I went to the Two Brewers, and drank a tankard of beer. Then he asked me to dine with him, which I did, and there were some other of his friends; I staid there all the afternoon till six o'clock, and then we went into Somerset Gardens, and returned about eight, they would have had me staid and supped there, but I gave them thanks and took my leave; and going to the Horse-shoe near Temple-bar, called for a pint of beer; before I had drank it, there came in some acquaintance, with whom I joined company, and drank part of six tankards of beer, and then left them. But before I left the Horse-shoe, I happened to meet with another friend, and it being his birth-day, he asked me to drink a glass of punch, which I did; when I was going to my lodgings, I heard the noise of the people. I was in liquor, or else I had not fallen in with them.

God knows my heart, I had no design of any such thing. I own, I was in the house, but as to striking or putting Mr. Wood in fear of his life, I never did, for which I appeal to a just and true God, who knows the secrets of all hearts. I forgive all my enemies, as I hope to be forgiven. This, to the best of my remembrance, is the truth, and nothing but the truth.

BOSAVERN PENLEZ.

A day

A day or two before his execution, a circumstance was started which had a bad face with it, and was probably a great means of preventing mercy being extended towards him, viz. that a bundle of linen was found upon him, tied up in a handkerchief. He was asked particularly as to this fact. He answered, that it was true, he had such a bundle, but how he came by it he did not remember, nor could he recollect, whether himself tied it up, or any body else; but has been told since by some of his friends, that a woman there present was seen to have it in her hand; but that she thought proper to drop it, and he took it up, not knowing what was contained in the handkerchief, nor yet whose property it might be.

Memoirs, of the Life and Transactions, of
 WILLIAM SMITH, *Convicted of Forgery,*
 1750.

WILLIAM SMITH was indicted for forging a bill of exchange for 45 l. for value received of *Thomas Weeks*; and also as an acquaintance to it. To which indictment he pleaded guilty.

Being asked by the Court if he knew the consequences of his so pleading, he answered, he did, and added.---*My Lord, I am unhappy enough to stand here, indicted for a fact which my prosecutor can so easily prove against me; therefore, from a consciousness of it, and to prevent giving the Court any unnecessary trouble, I do confess my guilt, and submit myself to the favour of the Court to*

intercede for my life.---My Lord, I have thus much to say in alleviation of my crime, that this is the first time I ever appeared in a Court of justice in an ignominious manner; that a case of necessity urged me to commit the fact I am charged with, and that my heart is full of sorrow and contrition for it. If therefore your Lordship, or Mr. Recorder, will be pleased to report me in this favourable light to his Majesty, or the Lords in power, it will, I hope, be the means of inducing them to extend their clemency towards me; but if I am so unfortunate, as not to be thought an object worthy of their compassion, I trust that the Lord of heaven and earth will have mercy on my soul.

William Smith, aged 30, was the son of the Rev. John Smith, Rector of Kilmore in Ireland. He had a liberal education, studied some years at the University of Dublin, and was then articled to an attorney of reputation in that city, with whom he did not live his full time; for his father being dead, and wanting that check upon his conduct, which the dread of offending him produced, he fell into idle and expensive courses, and, to supply his extravagances, was tempted, in his master's absence, to forge his hand for a large sum of money. The forgery being discovered, Mr. Smith was obliged to abscond, for fear of falling into the hands of justice.

Smith, now lost to his friends and native country, went to sea, and as he was an able pen-man, got to be captain's clerk on board the Surprise, Captain Web commander; where it is more than probable he learned the art of forging seamen's tickets, which was his chief means of subsistence after he left the service, which he was obliged to quit on the Cap-
tain's

tain's discovering some practices of this kind. There were no less than five of those forgeries produced against him in court, and recorded; and it was said many more might have been added. These were printed and dispersed into several hands; a copy of which is as follows.

Five notorious forgeries, charged upon William Smith, alias George Sands, alias William Dawson, a convict under sentence of death in Newgate.

The first charge against this *William Smith* alias *George Sands*, (for this was the name he went by at the time of his attempting this villainous design) was, for endeavouring, by an extraordinary fraud and contrivance, in conjunction with one *Walter Paterfon* a principal agent in an infamous prosecution against the Hon. *Edward Walpole, Esq.* to fix the horrid crime of sodomy on the said gentleman, for which fraud and contrivance the said *William Smith*, alias *George Sands*, was committed to *Reading Gaol*, on or about the 5th day of *June, 1750*, in order to be tried for the said capital offence, at the then next ensuing assizes to be held at *Abingdon*.

At the instance of *Mr. Thomas Weeks*, the said *Smith*, alias *Sands*, was brought up by virtue of a *Habeas Corpus*, from *Reading Gaol* to *Newgate*, charged with having forged his name to a bill of exchange for 45 l. drawn in his favour by *Mr. Thomas Bousfield*, a Merchant in *Cork*, on his correspondents *Mr. Gurnell and Co. Merchants* in *London*.

Upon

Upon this forgery he was arraigned and pleaded guilty; to which he added a very pathetick speech (see above) and on receiving sentence, spoke as follows: *My Lords, to what I said on the day of my trial, I have only on this melancholy occasion to add, that my humble confession then, proceeded from a sincere compunction of heart, in abhorrence of my crimes. I therefore now fervently pray, that the Almighty, who is the bright fountain of mercy, will inspire his Majesty's royal breast, with sentiments of compassion towards me; and that, in consideration of my unfeigned sorrow and penitence, he will be most graciously pleased to restore me my forfeited life; a life sought only to atone for the errors of the past, and to pray for my preservers.*

Immediately after this speech, a motion was made by Mr. Davy, that William Smith, alias Sands, alias Dawson, be detained in custody, on a charge of forgery, and publication of Forgery, in order to be removed by Habeas Corpus, to be tried at next Exeter assizes: the case is as follows.

Capt. James Webb, at that time commander of his Majesty's ship *Surprize*, having received an order from the Lords of the Admiralty to discharge three men, he delivered three Navy Tickets to his clerk William Dawson, to be filled up with names of the seamen discharged; but, instead of complying with his captain's order, he made out three tickets in his own name, and signed them with the captain's and other officers names, all forged by the said Dawson, and sold them for more than 100l. sterling.

This

This William Dawson, at the same time carried off above 100*l.* of the poor pressed seamen's wages, and robbed the surgeon's mate of fifteen or sixteen pounds worth of silver plate.

These informations being laid before the commissioners of the Navy, they directed their Solicitor to prosecute the said William Dawson for the before-mentioned forgeries.

In the months of June and July, 1745, Mr. William Smith was clerk to Mr. William Bull, an Attorney in London.

Mr. Bull being called into the country on business, this William Smith, his clerk, taking advantage of his absence, forged a letter in his master's name, directed to Mess. Swift and Co. Bankers in Dublin, desiring them to pay the said Smith 130*l.* or thereabouts, which they did in two 50*l.* notes, payable to William Bull, or Bearer, and the remainder in money. As soon as Smith had these bills in his possession, he made all the haste he could to London, and negotiated them with Mess. Albert and Arnold Nesbitt, Bankers in Coleman-street, who paid him the money for them, on the 16th of July, 1745.

The bills were indorsed with the name of William Bull, which was forged by William Smith.

When this affair came to be discovered, an account of the forgery was published in the public papers in Dublin, and a description of the age, stature, &c. of the said Smith, and a Reward offered for apprehending him; and at the same time a strict search was made after him in London, by the order and direction of Mess.
Swift

Swift and Co. but the delinquent sculking about from place to place, and at last shipping himself on board his Majesty's ship *Surprize*, under the name of William Dawson, eluded all enquiries after him at that time.

We come now to a fifth forgery; which the following copy of the warrant of the Lord Chief Justice of the King's Bench in Ireland, and the certificate of the clerk of the Crown of the same Court, will fully set forth.

By the Rt. Hon. Thomas Marley, Esq. Lord Chief Justice of his Majesty's Court of King's Bench in Ireland.

Whereas it appears by certificate, under the hand of Thomas Tisdall, Esq. Clerk of the Crown of his Majesty's Court of King's Bench in Ireland, that William Smith stands indicted as of Michaelmas Term, 1746, for falsely, fraudulently, and feloniously forging and counterfeiting an indorsement of a certain bill of Exchange, drawn by Justice Mc. Carthy on James Swift and Co. for the sum of 174l. 19s. 3d payable to Mr. William Bull, or order, with intention to defraud the said James Swift, Agmondesham Vasey, Arthur Dawson, George Cappidge, and Thomas Gladowe, his partners, and did falsely and fraudulently counterfeit the name of the said William Bull on the back of the said bill of Exchange, and did falsely and feloniously publish the same, as true, knowing the same to be forged and counterfeited.---These are therefore in his Majesty's name, strictly to charge

charge and command you, and every of you to apprehend the body of the said William Smith (if to be found in the kingdom of Ireland) and him, so apprehended to bring before me, or some other of the Judges of his Majesty's Court of King's Bench, to be dealt with according to law, and for so doing, this shall be your sufficient warrant, sealed and dated the 27th day of June, 1750. Thomas Marley.

To all Mayors, Sheriffs, High and Petty Constables, in and throughout the Kingdom of Ireland.

Mess. Swift and Co. being informed, that in the month of June last, 1750, William Smith was committed to Reading Gaol, in order to be tried, on an indictment of forgery, at the next ensuing assizes, to be held at Abingdon, in the County of Berks, took all proper measures for applying to the government of England (in case the delinquent should be acquitted of the forgery charged upon him in Reading Gaol) to have had him delivered up, and sent to Ireland, in order to be tried in that Kingdom, for the two notorious forgeries charged upon him, by Mess. Swift and Co.

Mr. Smith had talents, and a genius, that might not only have secured him from the temptations of want, but that, if properly applied, and accompanied with industry and honesty, might have rendered him a useful member of society, and enabled him to live in affluence. His capacity may be easily gathered from his writings published in the daily papers, on the unhappy occasion of his condemnation, all which

which were penned by himself. But unhappily for him, his abilities only served to aggravate his guilt, and gave him opportunities of doing mischief, and entering into wicked plots, and contrivances, that a man of less genius could not think of. When he had got money by the most iniquitous ways, it was soon squandered in riot and excess. Oeconomy was a virtue he had an utter abhorrence to, though no man dreaded or hated want more than he did; yet he could never prevail on himself to take honest means to prevent his necessities, and would often spend twice as much time in contriving and executing a fraudulent design, as might, if industriously employed, have brought him more profit in an honest way.

He was a perfect master of the art of dissimulation, and had a peculiar talent in engaging people to commiserate and relieve the almost constant necessities he lived in, when in company with any but his associates in iniquity, he might be mistaken for the most upright and honest man alive, which induced several to be his dupes, till a little further dealing with him discovered the villain, without one grain of honesty or gratitude. There is one instance among many, that shews both his talent in stealing upon people's passions, by a mournful tale, and the base ungrateful spirit he had for the most obliging favours. The instance is this:

Some time ago, Smith who made a very mean appearance, both in body and apparel, was met in the street by a friend of his, who was surprised to see him in that garb, and could not forbear saying to him, that surely a man with his capacity might never appear so wretched.

Smith

Smith excused himself by telling him, a disorder of his body, which he had some time been under, rendered him incapable to think of doing any thing, and at the same time was ashamed on account of his dress, to appear before his friends, from whom he might expect relief. The gentleman, his friend, taking compassion on his distress, desired him to come to him next morning, which he did, and was cloathed from head to foot in a decent manner, and his friend also gave him a letter of recommendation to one of the most eminent physicians, to whom he applied, and by whose skill he was made whole; after which neither the physicians nor his friend saw him again for some time, till his friend, with very great surprise, met him in the streets in the same garb as before. Astonished at the sight, he demanded the reason; Smith, with much seeming grief, told him a lamentable story of his being so much in debt for lodging, board, &c. that he had been obliged to sell those cloaths he had so kindly given him to satisfy creditors, and to furnish bare necessities of life; adding withal, that as the doctor had, with so much kindness and humanity made him well, he could not help owning his ingratitude in not waiting on him to return him thanks, which he was ashamed to do in such mean appearance. In short, his friend had the good nature to clo he him again from head to foot. Smith, being thus equipped, away he marches to the doctor's, was admitted into his study, where he told him he was the person whom he had been so good as to cure by the recommendation of ***; the Doctor then remembered him, wished him joy of his health, and enquired after

the health of his friend. And now mark the gratitude of this villain! he instantly pulled out a pistol, and holding it to the Doctor's head, told him he was an unfortunate gentleman, and wanted money, and threatened instantly to blow his brains out if he did not furnish him with five guineas. The Doctor, with a good deal of calmness, said, he might act as he pleased with his pistol, but he was sure he durst not fire it off, for if he did, and killed him, it was a matter of indifference to him, who had already one foot in the grave, and he was sure of being taken by his servants, and as sure of being hanged for it; he told him therefore, his best way would be to walk off, and be glad he was permitted so to do; but as to the five guineas he demanded, he should not have them. Smith, immediately reflecting on his ticklish situation, and fearing he should be taken, knew not how to behave, but fell down on his knees, and had recourse to that deceitful member his tongue, which he employed so well, that, by his doleful melancholy tale, the Doctor, moved by his distress, put his hand in his pocket, and gave him three guineas, advised him to follow better courses, and suffered him to go away unmolested.

He was ungrateful to all, and willing to defraud every man he could, but put his tricks ofteneft on his friends and acquaintance, as was the case of the fact for which he suffered.

He was, at the time of hatching this black design, in one of his necessitious fits, and so reduced that he knew not where to raise a shilling, except by application to some kind of business, a thing he hated very near as much as want.

In

In this exigence, he happened to meet accidentally in the street with Mr. Weeks, an old acquaintance, whose good nature he had often experienced, and passing along with him, before they parted, saw Mr. Weeks receive a letter, with a bill of Exchange in it for 45*l.* which he left with a friend till he should call for it, and received 10*l.*

They parted for that time, but the sight of the money put strange notions and wishes into the indigent Smith's head. He wanted much, he had the strong plea of necessity, no gratitude or honesty ; in short, he was determined to have it by some means or other, but in what manner he had not yet resolved.

In the interim, Mr. Weeks fell indisposed; and was confined to his room for some days; this was an opportunity not to be lost. Smith pretends likewise to be sick, and to keep his room, but took care to lay in wait, and intercepted Mr. Weeks's second letter of advice, with a second bill of Exchange, as is usual, lest the former should miscarry, and made use of it, with Mr. Weeks's receipt forged, to receive the remainder which was 35*l*. and the money was instantly paid. Smith, now out of his pinch, immediately goes to Holland, not doubting but a few days would discover the fraud, as it actually did; for in a few days Mr. Weeks going for his money, he was surprized with a receipt for 45*l*. in his name, but he soon knew the hand, and went in search of Smith, who was no where to be heard of.

But Smith had now run his length, and Justice waited to lay hold of him. He was it seems

seems, strongly connected with Paterfon, in that infamous plot upon the Hon. Mr. Walpole, and though they had missed their aim, their malice was not abated; for there were great grounds to believe, that a project relating to this affair, brought over Smith once more to England from Holland, where he had taken shelter for the last mentioned forgery.

With this, or some other bad view, he came over in the packet, and took post-chaise to Fogmore, where Mr. Walpole then was, to whom he sent in word that he desired to speak with him upon some earnest business. Mr. Walpole would have excused seeing him, without sending his name, but was at last prevailed on to come down to him.

Smith addressed him in a formal manner, asking him if he knew one Paterfon, and told him he had a bond of one Paterfon's in his hands, for 150 l. which he would give up for any small matter Mr. Walpole should think proper; which bond, Smith since declared, was entirely a forgery of his own; but that indeed, he and Paterfon had been before concerned in extorting money from gentlemen after the same manner.

Whether Smith betrayed any sign of guilt, or that his talent of persuasion had here deserted him, is not certain; but Mr. Walpole suspecting a cheat, laid hold of him by the collar, and calling his servants had him secured, and immediately carried him before a Justice for Examination.

When he came to be examined, he protested the honesty of his intentions, and kept his tale pretty well connected; and though he was examined

examined three or four days following by different Justices, there was nothing to be made of him, but only said his name was Sandys, and that he was son of a man of note at Andover; but his manner of speech laying him under a strong suspicion of being an Irishman, he was confined in Reading Gaol, and Mr. Walpole immediately sent to town for Mr. M----, by whom he was discovered to be William Smith, having known him when at school in Ireland. This concealment of his name, added to the suspicion about his design on Mr. Walpole, were sufficient grounds to detain him in Reading Gaol, till Mr. Weeks, his prosecutor, had an opportunity of seeing and knowing him, on whose information for the forgery he was removed to Newgate, where he was arraigned, and pleaded guilty.

From the time of his coming to Newgate, he seemed to change the whole man. His heart seemed effectually touched, and he expressed the utmost horror, shame, and compunction for the wickedness of his past life, and did not neglect any circumstance that could aggravate his sense of guilt, and augment his contrition. He wished for life, rather to employ it in repentance than for the sake of enjoyment, in which he never could have any relish. But though he wished, and the tenderness of his prosecutor, who recommended him to the Court for mercy, gave him some glimmering hope, yet as he had no friend to intercede for him to the regency, he built very little on it, and prepared seriously for eternity; however, not to be wanting to himself, and that he might do all to save his life that prudence could dictate,

he formed that warm and melancholy petition, which he had no other way to introduce to the hands of men in power, but by publishing it in the news-papers. It had some effect, but not the effect he wished; its pathetic stile induced many to compassionate his miseries, and even some to serve him with men in power, but he was not deemed a fit object of mercy.

In the first transport of his agonies, in finding himself in the dead-warrant, and for some time after, he inveighed bitterly against the honourable gentleman before-mentioned, blaming him as the sole cause of his being excluded from the royal mercy; but being exhorted to a contrary way of thinking, was persuaded, and when he came to recollect himself, his passion subsided, and he was less severe in his reflections; and when his fetters were knocked off, being asked, if he still blamed him, he said he did not, and freely forgave him. His irons were no sooner off than he kneeled down in the press-yard, and addressed his maker in an extempore prayer, full of penitence and resignation, and delivered it with such a moving sort of voice, and such justness of action, that all who heard him were exceedingly moved. He did the same when he went into the cart, and at the conclusion, all the standers-by said Amen to his pious petitions for peace, mercy, and grace. In a word, the whole of his conduct from his coming into Newgate, was conformable to what could be expected from a great sinner, under a just sense of his wickedness, relying only on the merits of our Blessed Saviour.

As he had no friends that would undertake the interment of his dead body, he addressed
the

the public in a petition for charity on that score, which was published in the *Gazetteer*, and is as follows.

“ In vain has mercy been intreated; the vengeance of heaven has overtaken me; I bow myself unrepining to the fatal stroke. Thanks to my all-gracious Creator. Thanks to my most merciful Saviour; I go to launch into the unfathomable gulph of eternity.

“ O! my poor soul, how strongly dost thou hope for the completion of eternal felicity! Almighty Jehovah, I am all resignation to thy blessed will. Immaculate Jesus, O send some ministring Angel, to conduct me to the bright regions of celestial happiness. As to my corporeal frame, it is unworthy of material notice; but for the sake of that reputable family from whence I am descended, I cannot refrain from anxiety, when I think how easily this poor body, in my friendless and necessitous condition, may fall into the possession of the surgeons, and perpetuate my disgrace beyond the severity of the law. So great an impoverishment has my long confinement brought upon me, that I have not a shilling left for subsistence, much less for procuring the decency of an interment. Therefore I do most fervently entreat the generously humane, and charitably compassionate, to afford me such a contribution, as may be sufficient to protect my dead body from indecency, and to give me the consolation of being assured, that my poor ashes shall be decently deposited within the limits of consecrated ground. The deprivation of life is a sufficient punishment for my crimes, even in the rigorous eye of offended justice; after death, the law has permitted my
remains

296 *Trial of WILLIAM BAKER,*

remains to pass without further ignominy; then why should inhumanity lay her butchering hands on an inoffensive carcase? and give me the satisfaction of thinking I shall return to my parent dust, within the confines of a grave. Those who compassionate my deplorable situation, are desired to send their humane contributions to Mrs. Browning's next door to the Golden Acorn in Little-Wild-street; and that heaven may reward their charitable dispositions, is the dying prayer of the lost and unhappy

William Smith."

This had the desired effect; more was collected than was necessary, as appeared by Mrs. Browning's advertisement; and the day before execution, a gentleman came to Newgate, and offered him a crown for the purposes of his funeral, but he refused to accept it, telling him, he had already received enough.

The Trial of WILLIAM BAKER, for Forgery.

WILLIAM BAKER, sugar-baker, was indicted for forging and uttering a warrant for the delivery of three chests of bohea tea, with intent to defraud, March 22, 1750. *Charles Gassineau*, Broker. The prisoner applied to me to borrow a sum of money for him, of Mr. Richard Holland, in March last, upon eight warrants for tea lying in the East India company's warehouses. I went to Mr. Holland, and told him I wanted 1000 l. upon eight warrants and a note of hand; he approved the security,

city, and I went to Mr. Baker for the warrants, who delivered them, and his note of hand for 1000 l. as usual in such cases. These warrants and note I delivered to Mr. Holland, who gave me a draught on his Bankers (Freame and Barelay) for 1000 l. which I received and gave to Mr. Baker.

Richard Holland. Mr. Gasteneau applied to me about the 23d of March, for 1000 l. to lend Mr. Baker; and as a security brought me a note and eight warrants, and the warrant, No. 784, I delivered to Mr. Deputy Slater with the others, for him to go to the East India house, and see if they were right.

Deputy Slater. I received the warrants of Mr. Holland, and carried them to the India house to have them examined. I applied to Mr. Holbrook, who looked, and said, he could not find the cheque for them, and believed them to be bad, for he could not find the numbers in tally; then he apprehended the goods were delivered. He looked into the sale-book, to see if they were weighed off, and found in the entry-book that they had been delivered for these warrants, which assured him they were bad ones; and said, he had orders from the directors to stop all warrants of this kind. I told him I did not care to part with them, for I had them of a friend for whom I had a great regard. He desired me, if I had any objection, I would go to Mr. Chancey, chairman of the East India company. I did so, and Mr. Slater took the warrants and went along with me; and sent one to Mr. Holland to inform him of it. Mr. Chancey said, he'd detain the warrants let the consequence be what it would; their cheque is
so

so regular that they cannot be imposed upon. Mr. Holland said, he believed he could have his money again upon delivering up the notes, and he looked upon the prisoner as able enough to return it him; they were all in the hands of Mr. Holbrook till they came to Mr. Chancey, except the eighth, which Mr. Slater had; they both marked that of 784, and Mr. Holbrook kept it in his possession ever since.

Q. to Mr. *Holbrook*. Do you know any thing of the delivery of these goods?

Mr. *Holbrook*. I do, by having the warrant; the persons who deliver them write down the two initial letters upon it; the warrants are never delivered back, till some part of the goods are delivered; this is a warrant (shewing one) No. 676, ship *Dragon*, Robert Sedgwick per William Heater; defeisance 110 No. 113 to 15; three chests of bohea tea, at 3s 3d delivered the 15th of Feb. 1749; signed T. P. that is, the person who wrote the warrant off. The person that came to take the goods brought me this warrant, which is the usual way; there is a receipt given on the back of the warrant; the receipt is in this manner: received the 15th of Feb. 1749, the full contents for William Heater. This was given by Toby Chaney, apprentice to Mr. Heater.

Robert Sedgwick, Broker. I was employed by Heater to buy these goods for him, and gave him a written order to receive them.

William Webb, Joint-treasurer to the East India company. It was my duty to sign the warrants; which I generally do upon receiving the money.

Q. Look on the false warrant; was that signed by you?

Webb. No. He was then shewed the original one, and said, he wrote the William Webb to it.

John Sedgwick, assistant to Mr. Dorrington, one of the Joint-treasures. When warrants are delivered in, they are signed by Mr. Webb, if Mr. Whitehall, the Counter-signer is busy.

Q. Look on the false warrant, and say, whether it was Mr. Webb's hand-writing or not?

Sedgwick. I am certain it is not; and that the name William Webb was not Mr. Webb's writing.

There were thirteen gentlemen of great character and honour spoke well of the prisoner, as to his subsistence and honesty, till this affair broke out. Guilty. *Death.*

William Baker, about 38 years of age, was the son of very reputable parents, who kept a baker's shop in Canon-street. He was brought up at Merchant Taylor's School; and about three years since married his own cousin, the daughter of a clergyman in Northamptonshire, with a handsome fortune. He was bred a grocer, in which business he set up in Canon-street, upwards of 16 years ago, which he followed about seven years, and acquired a considerable addition to his fortune. He then commenced sugar-baker with Mr. Carter, to which business alone, had he applied himself he might have been worth some thousands of pounds, and lived in credit and happiness all his days; but in hopes of increasing his fortune, he constantly attended the East India company's sales, where

where he has bought goods to the amount of 10,000*l.* at a time, and always took care to pay for them at the time appointed by the company. But as he sustained, every now and then, very great losses upon the goods bought at these sales, his fortune was at length greatly diminished; which induced him to make use of the unhappy methods, for which he suffered, to raise money, only to supply present purposes, without direct intention to defraud any person whatever, but in hopes of some lucky chance, in his large dealings, to have redeemed his past losses; and he declared, his real intention was to have paid the gentleman in full, of whom he borrowed the money. He was never given to drinking, gaming, &c. nor to any extravagancy whatever. He bore an exceeding good character in the world, which appeared from that given him by several worthy gentlemen, and the most eminent merchants in London, at his trial.

N. B. As he used to buy such large quantities of goods at these sales he was obliged to borrow large sums upon interest, to make good his payments; for which sums, upon an average, he has paid above 400*l.* *per ann.* for upwards of eight years past, and had, besides, continually great losses upon these goods.

He, truly sensible of the badness of the practice, acknowledged his having been too much concerned in handing about bad India warrants. He was content to be made an example of to the justice of his country, and wished it might have the effect intended.

The

The following is a note of hand given by Mr. Baker, and a particular account of the affair relating to it, all under his own hand.

London,

174

I promise to pay Mr. John Barnes, or order, nine hundred twenty-two pounds ten shillings for value received

922 l. 10s.

per

As in all probability an affair of me William Baker, concerning the Bankruptcy of William Sandys, tea-man, (about nine years ago) may at this time be mentioned to my prejudice, the case is as follows: Mr. John Barnes, an eminent Tea-broker, came to me, and desired I would give him cash for a note of Mr. Sandys's hand, payable to the said John Barnes, or order, for 922 l. 10s. but I had not so much cash by me; he desired I would give him a note of my hand for the same, which I did in form as above. He told me he would indorse Mr. Sandys note to me, which I took. I was satisfied with his indorsement, knowing him to be sufficient to answer the sum to me. After this, Mr. Barnes desired me to prove Mr. Sandys's note of hand under the commission, as he was become a Bankrupt. Upon which I asked him how I could prove it, as having no concern with the Bankrupt. He told me, as he had my note of hand for that value, I might prove it, and say, it was for a valuable consideration. Upon this I went to prove the note, but in my hurry, as I had never proved a debt before under a commission, and there being great debates and quarrelling at the meeting, I inadvertently proved the note for goods sold and delivered, neither did I know at that time but

the whole money was due to Mr. Barnes, this note being given by Mr. Sandys on a mortgage of teas; but upon enquiry into the Bankrupt's affairs, Mr. Barnes was entitled to prove no more than 290 l. and I most solemnly declare, as I must soon answer for all my actions before a true and just God, was without consideration or benefit, directly or indirectly, or any promise or reward whatever; but on the contrary was 186 l. out of pocket for the same, and have only received 40 l. of Mr. Barnes towards the expences I was put to. Witness my hand,

December 24, 1750.

W. Baker.

Various were the reports, and many the aspersions every day handed about, upon Mr. Baker's former conduct in life, which came to his ears while under sentence of Death. Some things he did not deny, for which he was highly blameable; and to atone for which he was to forfeit his life, and hoped forgiveness from all those he had injured. As to many other things that were said of him that had not the least foundation, he passed them by with a generous disdain; saying, what he really had in justice to answer for, was sufficient weight for him to bear; and he was sorry the world should endeavour to load him with more than what really belonged to him. Where he had done an injury, the injured must be too sensible of it, and need not to be told what is done; and where there was no injury done, there was no particular right to call his character in question, since he was to satisfy the justice of the law by his sufferings; and as he owned the justice of his punishment, and submitted willingly to his fate, he wished this might so far plead in his

his behalf, as to put a stop to false reports that the family to which he belonged, already sufficiently afflicted on account of the measures he had pursued, might not still have additions to their sorrows.

His behaviour all along was quite composed and resigned, and such as was, by all that saw him, to the last minute, admired and applauded.

*The Trial of Capt. LOWRY, for Murder
on the High Seas.*

AT the Sessions of the High Court of Admiralty, held at Justice Hall in the Old Bailey, Feb. 18, 1752, JAMES LOWRY, commander of the Merchant Ship Molly, was indicted for the murder of Kenith Hossack, mariner.

James Gatherah, Chief-mate, deposed, that on the 28th of October, 1750, he set sail from Jamaica in the Molly, commanded by Capt. James Lowry, the prisoner; that there were fourteen hands in all on board; that on the 24th of December following, in lat. 49 deg. 50 min. between four and five in the afternoon, he came upon deck, and saw the deceased, Kenith Hossack, seized, or tied up, one arm to the haliards, and the other to the main shrouds, and the prisoner beating him with a rope about an inch and a half thick, called a *crochet brace*; that he went forward about his business, and returned about five, when the deceased begged he would let him down to ease himself; the

Captain being then below, the witness went to him, and got leave; but withal, orders that he should be seized again after he had eased himself: but when the deceased was let down, he was not able to stand, but lay and crawled upon deck, of which he informed the Captain, who said, *D--n the Rascal, he shams Abraham, so seize him up again*; upon which he was tied up a second time, but not so fast as before, which the Captain observing, ordered his arms to be extended to the full stretch, that the prisoner took the rope again and doubled it, took the ends in his hand, and with the bite or double of the rope, beat him on the back, breast, shoulders, head, face, and temples, for about half an hour, walking about between whiles to take breath; that about six o'clock the deceased hanging his head back, as if motionless, the Captain had him cut down, and called to him (this witness) and said, *I am afraid Kenny is dead* (for so the deceased was called by the ship's crew) when this witness replied, *I am sorry for it, I hope not*, and went to the deceased to feel his pulse, but could find none, nor any palpitation of the heart, and then said, *I am afraid he is dead indeed*; upon which the prisoner gave the deceased a pat upon the face, and cried, *d--n him, he is only shamming Abraham now*. That then a sail was brought, and the deceased put into it, and carried down to the steerage, where the Captain whetted a penknife on a whetstone, and this witness opened a vein, but no blood came. The deceased had indeed been some time ill of a fever, and was not quite recovered, but was
on

on the mending hand; could do many things about the ship, but could not go aloft.

Being asked, if there had been no quarrels or disputes between him and the prisoner before or since the death of Hossack? answered, there had been disputes enough, for the prisoner had used him, and every person on board, in a very cruel and tyrannical manner during the whole voyage.

Being asked, if the prisoner did not use the people with great humanity and tenderness? replied, he never did, except James Smart, whom he used with great tenderness; but for the rest, he was so far from using them with tenderness, that he refused to let him (the witness) have a bit of loaf-sugar to burn with some wine, for a poor man that had the flux; and when the men were so ill with fatigue and sickness, that they could scarce stand, he (the prisoner) has beat them severely with a large cane, half as thick as one's wrist, which he called *the royal-oak foremast*.

The prisoner then complained to the Court, that he was not confined till several days after the death of the deceased; that this witness was at the head of the conspiracy, seized the ship, altered her course, and, instead of going for London where she was bound, carried her to Lisbon, where they were all seized, and sent home by the English Consul for piracy; and now he (the witness) had sworn this murder with a halter about his neck.

The witness was then asked, that, as the murder was committed the 24th of December why he did not confine the prisoner till the 29th? he answered, that after the death of

Hoffack, the people on board were very uneasy about the murder, and were for confining the Captain; but he (the witness) represented to them, that as the ship was very leaky, so as to keep two pumps going night and day, and the people sickly, they could not spare one hand that was able to work; that he believed that what he (the Captain) had done would be a warning to him, so as to use the people better the rest of the voyage; that while he was on board the ship he could not escape, and when they came to England, they could charge him with the murder before any Justice of peace, which would save them a great deal of trouble. To this proposal they all agreed; but instead of the prisoner's behaving better, in two or three days he went on as before, having broke the finger of one man, bit another man's in so bad a manner, that the witness advised him to let him cut it off; broke the head and scull of one man with his great cane, one of the splinters of which stuck in the man's scull; another he beat very bad on the side, and if he had disabled one man more, in all probability they must have perished.

On this, they resolved to deprive him of his command, and confine him, but so that he had the use of his cabin, and might come on quarter-deck when he pleased; he had a light in his cabin, that he might know what course we steered at any time; the log-book was shewed to him every day as soon as it was made up; and as they could not hope to reach England, the ship being so extremely leaky, that when one gun was down they did not expect to see it rise again; and the men were driven to such despair

despair, that they all forsook the pumps, kissed each other, shook hands, and resigned themselves to the Divine Will; but by the witness's persuasion they went to the pumps again, and with the prisoner's advice, they made for Lisbon, where they arrived on the 13th or 14th of January. That being come off the Rock of Lisbon, they hoisted a signal for a pilot, and a fishing-boat came with one, but as they had no product, they were not allowed to come in, so were forced to anchor where they were. By this pilot the captain sent a letter to the British Consul, with a complaint against the ship's company, who were presently put under arrest; soon after which the consul came on board and examined them, re-instated the prisoner again in his ship, and the witness, with the rest of the crew, were put on board a man of war, and sent to England.

The witness further said, that in his examination before the consul, he had given the same account of the murder, as he had now done; that when on board the man of war, they were not treated like prisoners, but worked in the ship during the passage, in the same manner as the ship's company did; that on their arrival in England, they were put into the custody of the Marshal of the Admiralty, not as close prisoners, being allowed to go out and return when they would, without a keeper; and that they looked on themselves in their confinement, not as under an accusation of mutiny and piracy, but as witnesses against the prisoner.

The prisoner then desired that the log-book of the 29th of December might be read, to shew they

they were guilty of mutiny and piracy, and it was read accordingly

December 29. Unanimously agreed to confine the Captain, and make the first port.

The prisoner then asked the witness, if he did not see Roberts the second mate beating him, and if he did not part them? the witness answered, that he saw the prisoner and Roberts engaged together, and took the prisoner off him, but it was after the prisoner was deprived of his command, and he had knocked Roberts down first. As to the prisoner's charge, that Roberts sold rum to the people, whereby they got drunk and neglected their duty, the witness knew nothing of it; and indeed they could not well get drunk, for the prisoner would not allow them what was their due.

John Hunt, Foremast-man, confirmed every particular of the foregoing evidence. Being asked by the prisoner, if the deceased had not stole a bottle of rum from him, and if he was not drunk that day, and was a lazy good-for-nothing fellow, and despised by the whole ship's company? he answered, he had lost no rum, and consequently could not charge the deceased with stealing any; that the deceased was very sober, having drank nothing that day; and that he was looked upon by the crew as a civil good-natured man, adding, that as he was seizing the deceased up the second time, the Captain struck him for not seizing the deceased up *tort*.

William Waum, Foremast-man, confirmed the evidence before given, of the Captain's cruel usage of the deceased. The prisoner then asked him, whether he, the witness, did not come to him, and complain that he had lost a note, and
believed

believed Kenith Hoffack had stole it? the witness answered, he had lost a note, and said so in the ship; Kenith Hoffack, the deceased had found it in his cabin, and gave it him; but he never complained to him, the prisoner, about it; that the prisoner over-hearing the discourse, called up the witness, and asked him what was the matter? the witness said he had lost a note, that Kenith had found it, and gave it him. The prisoner replied, *d---n the Villain, he has stole it*; the witness said, he was sure he had not; notwithstanding which the prisoner ordered him to be seized up.

William Dwight, Sailor, deposed to the same effect as the other witnesses had done. The prisoner then asked him, whether he could say upon oath, that he ever had used him ill? the witness answered, he never used any body well; that he had broke his jaw with his royal oak foremast, and another man's scull with his spying-glass, one of the splinters of which stuck through his hat.

James Smart, Foremastman, confirmed the evidence given by the witnesses before examined. The prisoner likewise asked this witness, whether he was not always tender of the men when they were sick? answered, that to him indeed he was very kind, but used him bad enough when he was well, as he did every body on board the ship.

Being asked by the Court, as all the witnesses had been before, whether he thought the usage the deceased received from the prisoner was the cause of his death? answered, as they all had done, he believed it was, and would have killed him had he been in health

health and strength, or the stoutest man living.

The prisoner was here called upon to make his defence, which he did in the following manner.---My Lord, and gentlemen of the jury, my case is exceeding hard; the witnesses that have been produced against me, have agreed to swear this murder upon me, well knowing that if they do not take away my life, their own will be in danger, as I hope to make appear. In Oct. 1750, I set sail from Jamaica in the Molly, of which I was commander, with 13 hands, besides myself, on board; we were bound for London. I had not been long at sea, but I found I had got a set of the most wicked, drunken, idle fellows, that ever came into a ship. I had great apprehensions that they intended to run away with the ship; and so I told Capt. Dalton of the Nancy, who came from Jamaica with me, and begged he would keep me company, and observe what course we kept; this the witness Gatharagh knew, if he would have been honest and spoke the truth; but he has sworn with a halter about his neck.---Often, when I awaked, I found they had altered the ship's course while I was asleep; and Gatharagh, who was my chief-mate, often insulted me, and used me so ill, that I was obliged to turn him out of my mess, and forbid him my Cabin. Roberts, the second mate, having rum, would sell it to the men, notwithstanding I often forbid him, by which means they were scarce ever sober. Our ship being leaky, we were obliged to keep continually pumping, and some of the men being sick, occasioned by their drinking so much rum, I could not but be very angry with
Roberts

Roberts for supplying the men with so much liquor.

On the 23d of December though the witnesses swear the 24th, one of the men had lost a bottle of rum, and I was informed the deceased had taken and drank it; at the same time William Waum came to me, and complained he had lost a note, and believed that Kenith Hoffack had stole it (though he denies he said so now) upon which I called the deceased upon deck, to examine him, and found he was so drunk he was scarce able to stand; therefore I ordered him to be tied to the rails of the ship till he was sober, for if he had gone down to his cabin, he would have got more rum, and so endangered his life, he having been sick with drinking before. The rails are not above breast-high. The deceased being a comical fellow, I took a bit of rope, and flourished it three times round, gave him a stroke or two upon the breech, not so hard as to hurt him, more than I do this book (*striking his hand gently on the log-book that lay on the bar*) after he had been tied some-time to the rails, he fell backwards, and foamed at the mouth. I then cut him loose, and he fell down, and I believe his being intoxicated, and struggling to get loose might suffocate him. I did all I could to recover him, as the witnesses against me have allowed. I was not then charged with murdering the deceased, nor did I hear any thing of such a charge till five or six days after Hoffack's death, when they deprived me of the command, confined me, seized the ship, altered her course which was for England, and carried her to Lisbon. I had prepared a letter to send ashore by the first boat that came on board,

board, to the English Consul, informing him of the situation I was in, who came on board, examined us all, re-inflated me in the command of the ship, which I brought home safe to England. The witnesses were sent home prisoners on board a man of war, upon my accusation of mutiny and piracy. It cannot be supposed the Consul would have trusted me with the command of the ship, if I had been under a charge of murder.

The prisoner said, he had no witnesses to call, but thought the log-book would be sufficient to support, what he had said in his defence, as that the witnesses who had sworn against him, had sworn with halts about their necks, in order to screen themselves from their wicked acts of mutiny and piracy, well knowing, that if he escaed, they would be hanged.

The prisoner then called several gentlemen to his character, some of whom were tradesmen, others who had sailed with him, and others who had known him for several years, who all gave him the character of a good-natured humane man.

Mr. Stone, the Marshal of the Admiralty was then called upon, who deposed, that on the 7th of March last, he received a warrant from the Lords of the Admiralty, to apprehend the prisoner; that upon enquiry he found the ship was not come home; that when he had intelligence she was in the river, he went thither; and was informed the prisoner had quitted the ship when she came into the Downs, and was gone to London by land; that he made diligent enquiry after him, but could not find him; that upon receiving a reprimand from the Lords of the Admiralty,

miralty, they thinking he had neglected to take him, he advertised him, with ten guineas reward to apprehend him, but could not hear of him for some time; that then he employed a thief-taker to apprehend him, which he did; and he, the witness, paid the thief-taker ten guineas for so doing.

The Judge having summed up the evidence, the Jury withdrew, and in about half an hour returned, and brought him in guilty.
Death.

He was executed at Execution Dock, and hung in chains by the river-side.

Trial of ANTHONY DE ROSA, for Murder.

ANTHONY DE ROSA, was indicted, Feb. 1752; for that he, together with WILLIAM FULLAGAR, did wilfully murder William Fargues, June 11, 1751.

Peter Fargues of Hoxton. My nephew William Fargues, the deceased, came to my house the 11th of June, supped with me, his father and brothers, and went away about nine or ten minutes after ten o'clock; he had on a brown coat, and light-coloured waistcoat, but what money he had I know not.

Peter Fargues, brother to the deceased, deposed to the same effect.

Emanuel de Rosa, an accomplice, but no relation to the deceased. I had been acquainted with the prisoner about three years, and con-

cerned with him in forgeries, and taking other people's money. He came to my lodgings near the Maypole in East-Smithfield about nine at night on a Tuesday; we went together to the Minories, where we found Fullagar; we went all three down Houndsditch into Moorfields, towards the Barking-Dogs, where many people were walking; the prisoner said he wanted money that night, and bid us come along, and not be afraid of any thing, we went backwards and forwards for about a quarter of an hour, thinking it was too soon to attack any body before ten o'clock. Then the prisoner said, let us cross over to that road, meaning by the Barking-Dogs; and the gentleman that was murdered, was coming along in the middle of the road alone; the prisoner asked him for his money. Said he, gentlemen, I have no money for myself. Then Fullagar gave him two or three blows on the head with his stick, which had a piece of iron on it. Upon which he turned round. Then he struck him on the back part of his head, but the deceased did not fall; then the prisoner bid me lay hold of his arm, and the prisoner took a knife out of his pocket, and stabbed him about the breast and body, as fast as he could, five or six times; at which time Fullagar struck him near the ear; the deceased then fell against the pales. Fullagar and I searched his pockets, and the prisoner shewed me 11s. and no more. Then we went to the Nag's-head on Tower-hill, and drank two full pots of beer; they gave me 2s. and then parted. About ten the next morning, the prisoner came to my lodgings, and bid me take care of myself, for he and Fullagar were going down to Chatham.

The prisoner sometimes lodged at White-chapel, sometimes on Tower-hill, and sometimes in Houndsditch. I was taken up the 26th of December, and committed, as a disorderly person, to Bridewell, before which, and after, I had no rest, day nor night, on account of this murder. I told the Keeper, I was concerned with the prisoner and William Fullagar in it. So I sent for the prisoner, who came, and was taken up. (*He shewed a knife with a blade about six inches long.*) This is the knife with which he stabbed the man.

The coat and waistcoat being produced, with holes through each; Peter Fargues said, they were the cloaths his brother had on when he was murdered. The knife and holes were compared, and agreed as well as could be expected.

Isaac Hendrop of Hoxton. On the night the murder was committed, I was going home about half an hour after eleven; coming within about forty yards of the body, I saw two men standing by it; I came up to them, and said, what is the matter? one of them said, I believe there is a gentleman murdered. I found the body in a strange posture, lying by the side of the pales, in a deep rutt, partly on one side, with his hat and wig off. I took hold of his hand, and it was very warm. I lifted the body up, and he seemed as if he would have spoke, if he could. I laid him on his back, but he was so limp that he would not lie as he was laid. Then these two men said, you had better not meddle with him; you may be brought into bad bread. I replied, I was well known there. I saw some blood, and could feel a quantity within side his cloaths.

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I went to go to the sign of the two Asses, and met two or three men with a lanthorn, and went back with them to the man in about ten minutes; I then found him quite dead; he had the same cloaths on then as were now produced, and the next morning at the Watch-house.

Gabriel Rosmear, a Surgeon. The 15th of June last, on examining the body of the deceased, I found two wounds on the left side of his breast, one penetrated quite into the body; the other not so far, as it went against a rib. The deep one, I think, must reach the heart and lungs. The breadth of it was about an inch and a quarter. He had another wound near the pit of the stomach; it went upwards from the body four or five inches. There was a wound on the lower part of the ear, into the neck, which seemed to be a very narrow one; I apprehended it to be a mortal one.

John Morgan deposed, that he was at the taking of the prisoner, who endeavoured to get a knife out of his pocket; one Haines, who was with the witness, took the knife, which had been produced from him.

Elizabeth Drakefield deposed, that she had known the prisoner two or three years, and the evidence Rosa likewise, who lodged with her. On a Tuesday night, in June last, about candle-light the prisoner asked for the evidence. They went out together, and the next morning she heard of the murder. The evidence came in about 12 o'clock that night.

The prisoner, in his defence, called Richard Black, who deposed thus: the prisoner lodged at my mother's in Houndsditch. On Sunday night

night the 9th of June, I went to my mother's house; when I came away, the prisoner gave me a pair of scissors to put a rivet in. On Tuesday the eleventh of June, I went again, at night, and asked for him, but was told he was sick. I went up stairs to him, and found him on the bed, his cloaths hanging on a chair, his hat and wig hung up, and he had a red cap on. He said he had taken a sweat that night. I came away about a quarter before ten, and left him very ill in bed.

Dorothy Black, Mother to the last witness. The prisoner lodged at my house ever since the February before this, almost to the latter end of July. On the 11th of June, my son came to ask about his sister's getting home, she having been at Barn Elms; and if Mr. Rose was at home; I said, he was above, not well, having got a cold, for which I had given him a sweat. He was not out that night before eleven o'clock. I went up stairs a little after eleven, and heard him and his wife talking, wished them a good night, and they me, having first locked my door.

To invalidate this evidence, *George Tunks*, a Sheriff's Officer, deposed, that last Sessions, this evidence, *Dorothy Black*, was waiting here to give evidence for the prisoner, but the trial was put off to this Sessions. She was sitting on a bench under the stairs, in the passage: he, the witness, sat down by her, and falling into discourse about the prisoner, had a good deal of conversation concerning him. She said she could give him a character; but it was unlucky for him that he happened to be gone down either to Chatham or Gravesend at the time of this

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murder, for four or five days; and she could not give an account for him.

To this Mrs. Black replied, that she had no conversation with him at all, only a little discourse and talking.

The Jury brought him in guilty, *Death*. And the Court ordered Dorothy Black, and her son, to be taken into custody, to be tried for perjury.

Anthony de Rosa, aged 28, was born in the Island of Bermudas. His father was an Englishman born, tho' of Portuguese extraction, and trading to these Islands, married a Portuguese woman, who lived there; and the first-born of that marriage, was this unhappy young man. He was bred to the sea, as soon as he was capable of being of any use on board, and sailed some years under his father, who was master, for several years, of one vessel or other, in the Mediterranean; and being accustomed to the Westward trade, continued in that employment till his father died.

Being asked how he supported himself afterwards, he made no other reply, than that he worked hard for his bread. But there is great reason to think (as his accomplice, and evidence against him acknowledged) that they had been concerned together in forgeries, and receiving other people's money, by sailors wills and powers, &c. Besides, another person, who came to see him in Newgate, declared, that he had known him guilty of several things of this kind; and that, had he not been taken and tried for this barbarous murder, several prosecutions were entered against him on that account. To this he himself added some corroborating circumstances,

stances, (tho' he would not say any thing to lay any imputation on himself) that the evidence, Emanuel de Rosa, had endeavoured to draw him into divers villainies of that sort, but that he refused to be concerned. He owned, in the general, that he had been a very wicked man, and deserved any punishment that could be inflicted on him.

About a week or ten days after conviction, when he was recovered from the weak and senseless condition which he appeared in at his trial, he was advised to make a confession of the barbarous fact for which he must shortly suffer, and to consider the consequences of dying with a lie in his mouth; his answer was, *I am as innocent as the child unborn.* Being further urged to reflect, that if he so left the world, eternal damnation must be his portion. After some hesitation; Sir, said he, *would you have me own myself guilty of what I know no more of than you do? I know if I be guilty, and deny it, I must send my soul to the bottom of hell, which I hope I know better than to do,* and he persisted to deny that he knew any thing of the murder; saying, *you will hear in time that poor Rosa's life was sworn away wrongfully.* Besides all this, other Protestant Divines talked to him upon this affair; but notwithstanding all their arguments and persuasions, he still continued to declare his innocence; and when at last he was entreated to tell the truth, before he was deprived of the power of speech, he declared immediately before he suffered, that he knew nothing of the matter.

[illegible]

When he was recovered, he was about a week or ten days convalescent.



...and to the ...

... ..

I am very glad to hear from you and hope I may see you soon.

to deny that the knowledge of the existence of the
fact, that the fact is true, is not a necessary
condition of the fact's being true.

means and perfusions, to fill the lungs with air.

...to tell the truth, I was not
...of the power of the
...to tell the truth, I was not

THE END OF THE THIRD VOLUME

This image shows a blank, aged, cream-colored page, likely an endpaper or flyleaf of a book. The paper has a slightly textured appearance with some faint smudges and discoloration, characteristic of old paper. The left edge of the page shows the binding of the book.

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